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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined initial, second and third periodic report of States parties

Samoa*

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* The present document is being issued without formal editing.

REPORT ON THE STATUS OF WOMEN IN SAMOA

2001

COMBINED INITIAL, FIRST AND SECOND PERIODIC REPORT ON THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The Government of Samoa with
the assistance of NZODA and UNIFEM

CONTENTS

Foreword 9
Introduction 10
Glossary 11
Summary 13
Samoa: Facts & Figures 14
Summary: Part I 15
Part II 16-24

PART ONE

BACKGROUND 25
A. FACTS AND FIGURES ABOUT SAMOA 26
The Land 26
The People 26
Language and Religion 27
Historical background 27
Demography 27
The Economy 28
Constitutional background 30
- The Executive 30
- Parliament 30
- The Judiciary 30
- Fundamental rights 31
- Political parties 31
- Public Service 31
- Legal System 31

B. IMPLEMENTATION OF THE CONVENTION 32
Effects of Ratification 32

C. COMPLIANCE WITH THE CONVENTION 33
Remedies available to women who have suffered discrimination 33
CEDAW, and other international instruments 34

D. ADVANCEMENT OF WOMEN 34
The Ministry of Women Affairs 34
Other Government agencies 36
Non-government organisations 37

E. ENFORCING PROVISIONS OF THE CONVENTION 37
Recommendation 37

PART TWO

ARTICLES OF THE CONVENTION 39

ARTICLE 1 DEFINITION OF DISCRIMINATION 40
Constitutional provisions pertaining to women 40
Other laws, policies and practices pertaining to women 40
Recommendations 41

ARTICLE 2 OBLIGATIONS TO ELIMINATE DISCRIMINATION 41
Equality under the law 41
Legal recourse for the pursuit of women's rights 42
Discrimination by public authorities and institutions 42
Recommendations 42

ARTICLE 3 THE DEVELOPMENT AND ADVANCEMENT OF WOMEN 43
Women's development and advancement 43
Recommendations 44

ARTICLE 4 ACCELERATION OF EQUALITY BETWEEN MEN AND WOMEN (AFFIRMATIVE ACTION) 44
General 44
Affirmative action 44
Protection of maternity 45
Recommendations 45

ARTICLE 5 SEX ROLES AND STEREOTYPING 45
General 46
Family relationships 46
Stereotyping 47
Family health education 48
Recommendation 48

ARTICLE 6 EXPLOITATION OF WOMEN 49
General 49
Legal situation 49
Obstacles to elimination of prostitution 50
Recommendation 50

ARTICLE 7 WOMEN IN POLITICAL AND PUBLIC LIFE 50
The right to vote and be elected 50
Matai or chiefly title holders 50
Women's committees 51
Table 1. Women's participation rates in village organisations 1989 51
Women in politics 51
Women in trade unions 51
Women in executive positions in government 52
Table 2. Senior positions held by men and women in government, 2001 52
Women in the judiciary 52
Women in the church 52
Women in NGOs 52
Obstacles to women's full participation 53
Affirmative action 53
Recommendations 53

ARTICLE 8 INTERNATIONAL REPRESENTATION AND PARTICIPATION 54
Women in the diplomatic services 54
Table 3. Female representation in Ministry of Foreign Affairs, 2001 54

International delegations 54
Recommendations 54

ARTICLE 9 NATIONALITY 55
Rights to citizenship 55

ARTICLE 10 EDUCATION 56
General 56
School attendance 57
Table 4. Student enrollment in all schools, 1996 and 2000 57
Scholarship awards 58
Table 5. Overseas scholarship awards 1996-2001 59
Dropouts 59
Table 6. Number of school dropouts 1994-2000 60
Educational attainment 60
Teaching staff 60
Table 7. Teachers by level of schools, 2000 61
Women in educational posts 61
Curriculum development 61
Women in physical education 61
Adult education for women 61
Recommendations 62

ARTICLE 11 EMPLOYMENT 62
Economic participation 63
Table 8. Categories of employed in 1991 63
Table 9. Categories of employed in 2001 64
Formal sector workforce 65
Table 10. Public Sector Employment, 1998 65
Table 11. Employment by industry and sex, 1995 and 1999 66
Constitutional and legislative measures 66
Social security 66
Employment benefits 67
Accident compensation 67
Occupational health and safety 67
Maternity and parental leave 67
Childcare and early childhood education 68
Participation in Unions 68
Sexual harassment and violence in workplace 68
Recommendations 69

ARTICLE 12 HEALTH 69
Overview of health system 69
Health indicators 70
Table 12. Selected basic health indicators 70
Women's health 71
General status 71
Accessibility to health services 71
Hospital-based activities supporting health promotion and primary health care (PHC) 72

Policies for the health of women 73
Reforms for provision of health services for women 73
NGOs and women's health 74
Life expectancy 74
Female mortality 74
Fertility levels 74
Hospital admissions 74
Disabilities 75
Medical training 75
Contraception 75
AIDS and sexually transmitted diseases 76
Nutrition 76
Abortion 77
Cervical screening 77
Drug use 77
Violence against women 77
Recommendations 78

ARTICLE 13 ECONOMIC AND SOCIAL LIFE 79
Women in the economy 79
Women in small businesses 79
Table 13. TCI private sector assistance 1993-96 80
Social benefits 80
Loans, mortgages and credit 81
Sports and recreation 82
Cultural life 83
Recommendation 83

ARTICLE 14 RURAL WOMEN 83
Background 84
Activities of rural women 84
Participation 85
Access to health care 85
Social security 86
Training and education 86
Cooperatives and community activities 87
Living conditions 88
Recommendations 88

ARTICLE 15 EQUALITY BEFORE THE LAW AND IN CIVIL MATTERS 88
Women's legal status 88
Civil law and contracts 89
Movement and domicile 89

ARTICLE 16 MARRIAGE AND FAMILY LAW 90
Family characteristics 90
Entry into marriage 91
Rights and responsibilities 91
Parental rights and responsibilities 92

Family planning 93
Table 14. Percentage of users by contraceptive methods 93
Guardianship, wardship and trusteeship 93
Adoption 94
Family name and occupation 94
Property rights 95
Minimum age for marriage 95
Recommendations 95

INFORMATION AND PUBLICITY 96

ACRONYMS 97

APPENDIX 99

SOURCES OF INFORMATION 100

REFERENCES 102

FOREWORD

Samoa is the first Pacific island country to ratify the Convention at the conclusion of the United Nations Decade for Women and the first to set up a separate Ministry for Women Affairs. This report constitutes Samoa's combined initial, first and second periodic report on the Convention on the Elimination of All Forms of Discrimination Against Women. The past decade saw many developments in the advancement of women such as obtaining the right to vote in 1991, affirmative action towards the inclusion of the Ministry of Women Affairs in all project coordinating committees of all major development projects, the special attention given to women's concerns in all policy formulation and project implementation, a wider and enhanced awareness of women's rights among the public through strengthened coordinative work of the Ministry and NGOs, the increasing number of women senior officers in all fields and the establishment of the Ministry of Women Affairs as the women's national machinery.

The report contains information on the legislative and socio-cultural framework providing protection for women and a wide range of statistics to demonstrate the degree of women's visibility and participation in the Samoan community.

The report defines the status of women in Samoa. It will also be the yardstick to determine the progressive advancement of women in years to come and a major determinant of the direction of the work and responsibilities of the Ministry of Women Affairs.

We note with gratitude the assistance of the New Zealand Government, which funded and supported the preparation of the first draft of this report as well as the financial assistance from UNIFEM for the review and update to 2001 of the first draft report. Contributions by Government as well as non-government organisations through the provision and updating of existing information on women are acknowledged with much appreciation. The tireless efforts of the Ministry of Women Affairs in coordinating the essential aspects of this undertaking and driving it towards completion, is duly recognized. Last, but certainly not least, we acknowledge with pride the work of the two local consultants who were tasked respectively with the compilation and update of information for the report.

It is our hope that despite our status as a least developed country, the report will reflect the positive achievements emanating from our traditions and cultural practices as well as in our efforts to adapt to the changing influences of the world around us.

"E au le inailau a tamaitai!" May I conclude by reiterating the message conveyed in the aforementioned Samoan proverb: " The legacy of women is one of total achievement". If there are gaps remaining to be addressed through the Convention, the Government and people of Samoa will ensure that the house of Nafanua the great Samoan goddess of war will be built to completion.

Hon. Tuala Ainiu Iusitino
MINISTER OF WOMEN AFFAIRS

INTRODUCTION

Samoa ratified the Convention on the Elimination of All Forms of Discrimination Against Women, hereinafter referred to as CEDAW, on 19 September 1992. The following is the combined Initial, First and Second Periodic Report submitted by Samoa to the Committee on the Elimination of All Forms of Discrimination Against Women. The first combined initial and first periodic Draft Report was Commissioned by the Ministry of Women Affairs and the Ministry of Foreign Affairs and funded by the Government of New Zealand as part of its bilateral assistance under the Policy and Programme Development Project for Women. This combined updated Report was funded by the UNIFEM.

The main objective of the report is to present a comprehensive description of the legal as well as sociological and economic situation of women in Samoa. The detailed questions formulated by the International Women's Rights Action Watch and the Commonwealth Secretariat guided the preparation of the report to reflect as near to actuality the situation in Samoa. Although not stipulated in the Guide to reporting, Samoa's report includes recommendations on actions it needs to work on in addressing gaps identified in the implementation of the Convention.

Extensive research and studies gathered over the years from government departments, overseas agencies and non-government agencies form a major part of this report. Questionnaires were also circulated to obtain updated information given the time lapse between ratification and preparation of this report. The CEDAW Partnership, comprising representatives of government agencies and non government organizations, is an initiative of the Ministry of Women Affairs which was actively involved in reviewing and updating information in this report. Further consultation with women through public meetings afforded valuable input into the report.

Much of the statistical data on women comes from the 2001 Census report, the Demographic and Vital Statistics Survey 2000, the Statistical Profile for Men and Women prepared by the Ministry of Women Affairs and the Database for Gender Disaggregated Statistics prepared by the Asian Development Bank for the Government of Samoa. Where appropriate, statistical data is taken from the 1991 Census report.

The report reflects the impact of the establishment of the Ministry of Women Affairs as the women's national machinery on the development of women. It also highlights the great contribution by women NGOs which were consulted and asked to provide information particularly on areas dealt with only by NGOs such as violence against women. Issues covered under the various Articles of the Convention continued to be published in the monthly newsletter of the Ministry of Women Affairs, introduced in all gender sensitization workshops for the different sectors and discussed in women's fora.

Similarly the report encompasses contributions from a number of individual women particularly those who had assisted in the compilation of the report and who are acknowledged later in the report. Special mention is made of the Ministry of Women Affairs Management Team which spent long hours on the final editing and proofreading of the report.

GLOSSARY

Samoan		**English**
aiga	-	family
aiga potopoto	-	extended family
aiga vaetama	-	adoptive family
aualuma	-	grouping of daughters and sisters of the village
ava a taulelea	-	wives of untitled men
"E au le inailau a tamaitai"	-	the legacy of women is one of total achievement
faasamoa	-	Samoan way of life
faioloa	-	wealth producer
faletua & tausi	-	wives of high chiefs and talking chiefs
feagaiga	-	sacred covenant under which authority is held by the brother and honour held by the sister
fono a alii ma faipule	-	village council of chiefs
Mapusaga o Aiga	-	Family Haven(name of an NGO)
matai	-	chief – Head of extended family – male or female
pulenuu	-	village mayor
tetee atu le sasa	-	say no to hitting
taulasea samoa	-	traditional healer

SUMMARY

SAMOA: FACTS AND FIGURES

The following information, where available, is drawn from the Census of Population and Housing 2001, a Special Release of Census Selected Tabulations and the Samoa database for Gender Disaggregated Statistics 1996, an Asia Development Bank funded project. The figures appear under the relevant articles but are summarised below for ease of reference. At time of writing a full report of the 2001 Census was not available. The 1991 Census of Population is therefore used for some disaggregated statistics.

Population size and composition:	
Total population1	76,848
Males	92,130 (52%)
Females	84,718 (48%)
Females/100 males	92
Females aged under 15	34,339 (19%)
Males aged under 15	37,639 (21%)
Females aged over 60	6,210 (3%)
Female life expectancy	72
Male life expectancy	65

Health	
Infant Mortality rate (1000 births)	17%
Population with access to safe water	90%
Crude death rate	5.5%
Population per doctor	3,150
Maternal mortality rate per 100000	
Live births	30%
Households with disabled persons	6.3%
Immunisation coverage (DPT)	95%
Suicide rate per 100,000 population	31%
Contraceptive prevalence Rate	31%

Human Settlements	
Total land area	2,785 sq km
Population density	64
Females living in urban area	10.7%
Males living in urban area	11%
Access to potable water	85%
Access to sanitation	100%

Economic participation	
Economically active females	31%
Economically active males	69%
Female participation in agriculture	12%
Female unemployment rate	2.0%
Male unemployment rate	2.9%
Women in paid employment	37%

Households families marital status	
Female headed households	4,211 (18%)
Male headed households	18,867 (82%)
Women separated, widowed or Divorced	5,388 (8%)
Average household size	8
Average age for women at marriage	31
Average childbearing age	31
Total fertility rate	4.3

National Income and Expenditure	
Real GDP per capita, 2000 (1994 prices)	US$1,100
GDP average annual growth	3.3%
Estimated national monthly average income	WST1,095

Participation in Public Affairs	
% parliamentary seats occupied by women	4.1%
% female cabinet ministers	8.3%
% *matai* titles bestowed to women	10.0%
Ratio of female *matai* title holders per 100 Male title holders	11

Education	
Female literacy rate	97.8%
Male literacy rate	98.6%
Ratio of females per 100 males	
Enrolled: Primary	90
Junior Secondary	109
Senior Secondary	89
Tertiary Secondary	171
Vocational secondary	19
% females with tertiary qualifications	4.6%
% males with tertiary qualifications	5.1%

Crime and Justice	
% female victims registering complaints	57
% male victims registering complaints	43
% females offenders	14
% male offenders	73
Female defendants convicted	51%
Male defendants convicted	70%
Female prison admissions per 100 males	5

Note: A full report on the Census of Population and Housing 2001 is not available at time of writing. Where available, 2001 Census data are used utilizing the Special Release Selected Tabulations Report.

SUMMARY

PART 1

1. Part 1 of the report includes background information on Samoa's general, social, economic, political and legal structures as well as its traditional composition of social structures which impact significantly on the status of women.

2. CEDAW was ratified on 19 September 1992. There are no provisions in the Constitution, which makes international agreements binding on Samoa. The principles of the Convention however, are well enshrined in Samoa's Constitution and these can be used as tools by women for asserting and protecting their rights.

3. The Ministry of Women Affairs was established in 1990 to play a coordinating and advisory role in terms of policy and program development with regard to gender issues. It is also a key training provider for women's groups as well as a clearinghouse for information on gender related issues. There has been increasing financial and staffing support for the Ministry of Women Affairs since 1991.

4. CEDAW underpins the work of the Ministry of Women Affairs as it defines areas for policy development. The Ministry of Women Affairs in collaboration with non-government organisations is popularising CEDAW through workshops. A translated version of the Convention is widely disseminated.

5. At time of writing, a Bill was tabled in Parliament for the establishment of a Law Reform Commission. Up to now the Ministry of Women Affairs in partnership with NGOs and other government departments have taken charge of educational programs on legal literacy and identification of legislation for review. The Law Reform Commission is expected to be established in 2002.

6. There is growing consistency in the integration of gender issues in key policy and planning documents of the Government and the Ministry of Women Affairs through its representation on the national committees for these policies ensures that this continues.

7. Consideration must be given to formally recognising the CEDAW Partnership into a national body to monitor the implementation of the Convention.

8. Women who have suffered discrimination may approach the courts for investigating such complaints.

9. The implementation of CEDAW is carried out in tandem with that of the Global Platform of Action, the Pacific Platform of Action as well as the national action plan. These will be complemented by the activities of the NGOs, which will address the wide range of issues that relate to the status and development of women in Samoa.

Part II

Article 1: Definition of discrimination

- Samoa's Constitution embodies a strong commitment to human rights and freedoms including specific attention to equality where it forbids discriminatory actions by the State on the basis of sex.
- The Labour Employment Act 1972 has special provisions intended for the protection of women from undertaking activities not suited to their physical capacity and work after midnight.
- Customary laws accord women a status of prestige in Samoan society based on the specific an interacting gender roles.
- International law does not automatically become the law of the country but can serve as an interpretative tool. In this capacity, CEDAW and other international instruments can be used to monitor state activities.
- A Legislative review conducted in 1993 by the office of the Attorney General found the existing laws to be in favour of women.

Article 2: Obligations to eliminate sex discrimination

- The Constitution accords to women equality with men before the law. This is the general understanding that underpins all legislation in the country.
- The Ministry of Women Affairs in partnership with the Justice Department conducted village level advocacy and education in women's rights through seminars/workshops.
- Legal recourse for women's rights is through the courts.
- While women enjoy a fairly high status in Samoan society, there are still gaps which need to be addressed. An example is the absence of any legislation against sexual harassment of which there have been reported cases but were considered only if they constituted sexual assault.
- NGOs such as Mapusaga o Aiga (MOA) play a key role in the promotion of women's rights through legal literacy educational programs.
- There are still a few clubs with male exclusive membership such as those that originated from outside Samoa such as the Rotary and Lions.

Article 3: The development and advancement of women

- There have been significant changes in the economic, social and political lives of women in Samoa over the last twenty years. These include increased participation in paid employment, an increasing number in management positions, decreased fertility and a reduction in family size.
- National statistics are disaggregated so that there is a realistic portrayal of the national situation with regard to gender.
- Women have equal rights to social security.
- Women are the key players behind programs for early childhood education and the disabled.
- There is a need to strengthen the promotion of women's legal rights and awareness by women of their legal rights so that they can have confidence in utilising opportunities available to them.

Article 4: Acceleration of equality between men and women (Affirmative Action)

- There is no official policy aimed at accelerating the de facto equality of women because there is the generally accepted underlying principle that discrimination on the basis of gender is not a problem in Samoa.
- Affirmative action taken in the reporting period include setting a 50% quota for scholarship awards for women abroad, special scholarships to encourage female students to take up trades and other non-traditional programmes of study such as maritime training and the gradual integration of gender issues in policy formulation and program development.

Article 5: Sex roles and stereotyping

- The gender ideology underlying the Samoan chiefly system features complementary male and female roles. The bond between sister and brother is a powerful paradigm for all male and female relationships and the complementarity of roles produces a form of control allowing women to assert influence within the family's decision-making process.
- The social safety nets are fast changing and have impacted on the family and the role of women. There is an increasing number of female heads of households, rising maintenance cases and women seeking help from relief societies.
- A traditional division of labour exists. However, boys and girls are no longer expected to strictly adhere to such a practice particularly when all members of a family are expected to contribute to the maintenance of its well-being.
- Stereotyping still exists in some curriculum and trades education although these are being remedied through curriculum review, gender sensitisation workshops and affirmative action such as scholarships awards for female students to take up trades at technical institutes and the gender equity policy developed by the Samoa Polytechnic Institute.
- The media and civil society have been influential in removing stereotypes through highlighting issues which can be viewed as discriminatory such as violence against women.
- There is no dowry system. Families of both the bride and groom are expected to make equal contributions in the exchange of gifts.
- Censorship laws exist and apply to movies and films as well as video cassette recordings for public viewing and renting.
- Family Health Education is carried out by the Department of Health. Family Planning is promoted by the Ministry of Youth, Sports and Culture, Department of Education and the Ministry of Women Affairs.

Article 6: Exploitation of women

- There are no official statistics nor studies done to date on prostitution and trafficking of women. It is acknowledged that some prostitution and trafficking of women exist but the extent of such is yet unknown.
- Prostitution is prohibited under the Crimes Ordinance 1961 and the Police Offences Ordinance 1961.
- Current laws on prostitution are discriminatory in that they criminalise the prostitute and not the client and such legislation needs to be reviewed.
- Media sources have identified the existence of prostitution by males and females as well as the situation where women are being lured to neighbouring American Samoa under false pretense of job availability.

- Pornography is illegal although pornographic materials are smuggled in and circulated through social contacts. It is believed that pornography has increased with the advent of internet access. Civil societies are active in creating awareness of the dangers of children's exposure to, and involvement in, internet pornography.

Article 7: Women in political and public life

- Universal suffrage was introduced in 1991 which gave all Samoans 21 years and over the right to vote. Previously, only women registered in the Individual Voters Roll and registered as chiefly title holders could vote.
- Women have equal rights as men to family chiefly titles. However more men than women assume this responsibility.
- Village mayoralty is open to both female and male candidates. Currently four women from a total of 238 are mayors.
- Approximately 23% of the government departmental heads are women. A third of the statutory boards and public corporations have female representation.
- In the judiciary, the Attorney General is a woman and 70% of state prosecutors are women.
- Women's committees play a key role in promoting and maintaining the welfare and wellbeing of families in the villages.
- The church is perhaps the most influential institution in the country, yet women are absent from its top leadership positions. There are no female ministers or pastors.
- The first woman judge was appointed in 1993 to the Samoa Lands and Titles Court.
- 90% of women in Samoa belong to at least one organisation. NGO work in Samoa is female dominated.
- One of the main obstacles to full participation in public and political life is women themselves, hence the need to promote leadership abilities and lobbying skills with the view to develop and enhance women's confidence in themselves, in order to make use of opportunities available to them.
- Affirmative action taken in this area includes workshops on the development of leadership skills, the implementation of a program on Women in Public Life, and a program for Voter Education done by an NGO. The Ministry of Women Affairs has compiled a Directory of Women to accompany recommendations for appointments to boards and other statutory bodies of government. The Ministry of Women Affairs had also coordinated leadership and management training for leaders of NGOs.

Article 8: International representation and participation

- There are 4 overseas missions one of which was headed by a woman up to 1996. Currently, all of the Heads of Missions are men. Sixty-three percent of the professional staff of the Ministry of Foreign Affairs are women. One woman was elected to the Executive Council on UNESCO and two have served three year contracts with the International Monetary Fund and the Asian Development Bank respectively. A number of Samoan women are working in regional organizations. As well, several women represent Samoa on international and regional councils.
- Women are well represented on national delegations to international meetings including annual meetings of financial institutions and regional organisations.

Article 9: Nationality

- The Citizenship Act 1972 is in favour of women with respect to the naturalization of foreign women whose spouses are Samoan citizens.
- With regard to minor children, the consent of either parent is required for the acquisition of a passport.
- Women can apply for passports themselves and do not need the consent of their spouse.

Article 10: Education

- Education facilities are provided for by the government, church and village communities. The Education Ordinance 1959 was amended in 1992/1993 to provide for compulsory, but not free, education at primary level.
- The average teacher pupil ratio is one of the lowest in the world but this is not reflected in government urban schools where there is overcrowding.
- Literacy and education are universal. Literacy rates are high: 97.8% for females and 98.6% for males (1991 Census).
- Attendance rates at the primary and secondary levels are higher for females than males. There is a high drop out rate for both males and females after the primary level which is reflective of the selective process for entry into the secondary level.
- Preliminary figures from the 2001 Census show that among adults 25 years and over, 13% of females have received tertiary education as compared to 26% of males; 64% females have received secondary education as compared to 58% males; and 37% females have received only primary education compared to 42% males.
- Tracer studies done in 1995 for students studying at tertiary institutions abroad showed that females had a graduation rate of 57% compared to 40% for males and 7% termination rate compared to 40% for males. More females than males received overseas scholarships awards in 1999 and 2000 while about equal numbers were issued to both male and female students in 2001.
- In 2000, approximately 64% of all teaching staff government, mission and private schools were females. There were more female teachers than males in the primary and senior secondary levels.
- The Minister of Education is a woman. All of the 4 Assistant Directors of Education are women. Of the 6 Heads of Faculties at the National University of Samoa, 4 are women. Female graduates particularly those in male dominated fields, are utilized as role models to promote participation in those areas during career days of the various schools.
- Part of curriculum development involves monitoring to ensure that there is no gender stereotyping in teachers' guides and learning materials.
- A Health and Physical Education Curriculum which includes sex education has been developed and is currently being reviewed.
- Participation in physical education and sports is on an equal basis. There are also joint development programs in schools promoting mixed participation of boys and girls in sports codes such as rugby, soccer football and netball.
- Adult education opportunities for women are greater in the urban area, than rural area. Non-formal education for women is provided by some government agencies and NGOs.

Article 11: Employment

- Agriculture is the dominant sector in employment by industry statistics. The participation rate of women in agriculture is 30% (1991 Census). Over half of the workers in the manufacturing sector are women with most employed in the Yazaki automotive harness wiring plant.
- Total workforce participation rate is 33% giving a ratio of 47 females for every 100 males in the workforce. In the public sector, 53% of permanent public servants are women with temporary employees being primarily males. Heads of 8 government departments and corporations are women, reflecting a growing number of women in executive government positions.
- The Labour and Employment Act 1972 promotes fair employment practices based on the principle of tripartism. The Act however, does not specifically prohibit discrimination on the basis of gender or marital status.
- The 2001 Census showed that 69% of males are economically active compared to 31% females. Women in the age group 20-24 are most likely to be economically active and then participation tapers through the childbearing years. In comparison, a large proportion of males in every age group are economically active.
- The 2001 Census showed that 1.0% of females and 2.0% of males are unemployed. Unemployment is highest in the 20-24 age group for both males and females.
- Women and men have equal entitlements to social security benefits such as those available through the National Provident Fund, Accident Compensation and Senior Citizens Pension Scheme.
- Women in the public sector have paid maternity leave for a period of 8 weeks and may continue on unpaid maternity leave thereafter for up to 6 months. Paid maternity leave in the private sector varies from none to 4 weeks with most companies granting a maximum of 2 weeks paid maternity leave. Most private companies have adopted the Maternity leave provision of the Public Service Commission.
- There is only one daycare centre run by nurses at the National Hospital. Early childhood education centres are run by NGOs, Community Based Organisations (CBO) and churches throughout the country. With the change in family structures, the increase in number of women entering the paid labour force and the absence of adequate child care services, many children up to the age of 12 are not under supervised care after school hours.

Article 12: Equality in access to health care

- Samoa has a highly developed primary health care system that is predominantly public and networks into every village through women's committees.
- Ante natal care is provided free of charge in the public health system. Monthly clinics are held at village level to provide monitoring and screening for children and pregnant mothers as well as provide family planning information and health education.
- Non-communicable diseases associated with changing lifestyles are more prevalent.
- Health indicators include low infant mortality, high life expectancies of 65 for males and 72.5 for females and excellent rates of immunisation coverage. The good records should not give room for complacency towards maternal and child health issues.
- There is a more pronounced incidence of lifestyle diseases for males than females. However there is a rising incidence of diabetes among females. Suicide rates are highest among young men.
- The leading cause of death for females is spread over a range of conditions, in contrast to men whose leading cause of death is diseases of the circulatory system. One of the leading causes of morbidity for women is a result of complications with pregnancy and childbirth.

- Total fertility levels have declined from 5.7 in 1991 to 4.3 in 2000 as a result of late marriages, delayed child bearing and greater contraceptive prevalence.
- The 2001 Census showed that 1.3% of the population have disabilities of which 44% are females. Programs for the disabled are provided by the specific disability NGO groups. Teachers for the disabled and those with special needs are being trained.
- The number of women entering medical training is on the increase. Fifty five percent of students currently attending medical school are women while 28% of practicing doctors are women.
- There was a contraceptive prevalence rate of 33% in 1999 (42% for females) with the injectable Depo Provera being the most common form of contraceptive used. Family planning services are provided both through the Health Department and its counterpart NGO, the Family Health Association.
- HIV testing is done for pregnant mothers, migrants and high risk groups. To date, 7 have died of AIDS including 2 females. Twenty percent of the registered STD cases for 1991 were female. The Ministry of Women Affairs has completed the only Strategic Analysis/Response Review on Women and HIV/AIDS from which a Strategic Plan has been developed and is currently being implemented.
- More women suffer from obesity than men. More female babies suffer from iron deficiency than male babies. A Food and Nutrition Policy was approved by Cabinet in 1996 and a Breastfeeding Policy is currently under review.
- Abortion is prohibited by law even in the case of rape unless it is done to save the life of the mother.
- The incidences of cervical and breast cancer are on the rise. Screening programs are now provided by the only private hospital in Samoa.
- While more men than women smoke, the number of women smokers is rising. There are no statistics on the non-medical use of drugs. However, Supreme Court figures for 1995 showed that 2 out of 16 defendants convicted for cultivating marijuana were women.
- Violence against women is a problem that is becoming more openly discussed through workshops organised mainly by NGO groups. NGOs like Mapusaga o Aiga provide a human rights approach to violence against women, counselling services as well as act as referral centres by the police for the victims. The same groups have been responsible for promoting women's awareness of their legal rights as well as looking at relevant legislation for review. The government through the Ministry of Women Affairs and Justice Department provide a more social and family oriented focus on this issue.

Article 13: Social and economic benefits

- The participation of women in small businesses is one of the main channels through which women enter the economy. A significant number of micro-enterprises by women are receiving assistance for market research and training especially in non-traditional areas such as manufacturing.
- Samoa does not have a state system of family benefits. Each family member has equal rights to family resources and must contribute equally to supporting the family. The same obligations apply when family members migrate resulting in substantial earnings through remittances.
- All benefits in terms of social security systems are available to men and women on an equal basis. Insurance cover is available by choice or through work-related benefits.
- The financial sector is well developed and decentralised. Women have equal access as men to loans, mortgages and credit and do not need a spouse's consent to obtain credit. Micro-credit schemes in the informal sector are run by women's groups. The Ministry of Women Affairs,

NGOs such as Women in Business, and the Small Business Enterprise Centre are working closely to provide support for women's micro-enterprises particularly in improving business management skills.

- Women participate equally with men in sports and recreation. Mixed participation is encouraged for most of the sports codes. Representation of women on the national sports Council is currently 40%. More and more women are now participating in previously male-only sports.
- There are no barriers preventing women from participating in cultural life. They play a key role in craft production, preservation of cultural skills from generation to generation, continuation of family lineages and family decision making. Women are heirs to family chiefly titles and land. Women also feature prominently in literary and other art forms.

Article 14: Rural women

- Rural women constitute about 78% of the total female population. They are highly organised within the traditional social hierarchy with links extending to the urban centres once families migrate internally. The distinction between urban and rural women is not definitive, the main difference being that urban dwellers do not live under the same conditions of conformity as those in the rural areas.
- Rural women are involved in a number of activities ranging from their role as homemakers, unpaid family worker to the marketing of goods and generating income for the family. They are also responsible for overall village hygiene and raising funds for community projects such as schools, health centres and church activities.
- Those that hold chiefly titles participate in the village council. Where they own farms in their own right, they become members of the Farmers Association or other activity specific organisations such as the Flower Growers' Association.
- Rural women have good access to health services although some of these services need to be upgraded. The physical compactness of the country and good communications and transport systems makes access to centralised services easy.
- Women's committees play a key role in organizing health related education programs for women in the rural areas. Their close network systems have resulted in near total coverage for immunisation and other health related programs such as access to basic medicine.
- Maternity services are available in the rural hospitals. Traditional birth attendants (TBA) play an important role in the delivery of babies in remote rural areas, and as such undergo regular refresher courses.
- Training and education programs are delivered through the Ministry of Women Affairs, NGOs and other line departments through their extension activities.
- More rural women than men have been active in pursuing cooperative ventures for the sale of their products. Credit unions and micro-credit schemes operate extensively in the rural areas.

Article 15: Equality before the law and in civil matters

- The Constitution accords all persons protection under the law. The provisions of the Crimes Ordinance 1961 are the same in respect of men and women except where necessary in sexual offences.
- Women are eligible to serve on juries, qualify and practice as lawyers.
- Women have an identical legal capacity to that of men in civil matters.
- Women have the same contractual rights as men to enter into or conclude contracts and to buy, own, sell and administer land and property.

- There are no legal restrictions to the movement of, or domicile of men or women, although restrictions to such can be imposed under traditional laws.

Article 16: Equality in marriage and family law

- The concept of family goes beyond the nuclear family. Family arrangements are thus complex and multifaceted as a married woman may be affected by the decisions of members in her extended family as well as that of her spouse.
- De facto relationships occur although there is considerable societal and church pressure against it.
- There is a rising incidence of teenage pregnancies. Infanticide rates are not known. An NGO has been established to provide support for women with unwanted pregnancies.
- Women and men have the same right to enter into marriage and the choice of a partner is based on individual choice. Customary marriages which were strategically arranged in the past to enhance family alliances rarely, if at all, exist any more. Bigamy and polygamy are illegal. Adultery is also an offence under the Crimes Ordinance 1961.
- The age of consent in civil marriage is 18 for boys and 16 for girls. Trends show that girls are marrying late at 24 (1991) and 27 (1993).
- No legislation exists regarding matrimonial property and the courts rely on the common law and precedent to determine the rights of each party.
- The dissolution of marriage is based on the principle of proving the 'fault of the other party. This practice merits review.
- The birth of a child born within marriage can be registered by either parent. The father of a child born out of wedlock cannot be registered unless on a joint request by the mother or father.
- The welfare of the child is considered paramount in custody decisions. Where a parent has not been granted custody, he or she will be granted access or visiting rights only as determined by the courts.
- If a child is put up for adoption, consent of both parents are required even if the parents are unmarried.
- Both parents are expected to contribute towards child maintenance in proportion to their financial resources regardless of whether the child was born within or outside marriage.
- The responsibility to use contraceptives is generally vested in the mother although in a lot of cases, she would need to consult with her husband.
- Persons other than parents can apply to be appointed guardian of a child in place of the parents. Any person can apply to have a child made a ward of the court. When there is difficulty in deciding who to award custody to, the court may decide to award guardianship.
- Two spouses may jointly adopt a child. Single parents can also adopt an infant but the courts will give serious consideration to their ability to provide for the welfare of the child. Adopted children have the same inheritance rights as if she or he was a child by birth.
- It is customary and a woman's common law right to take her husband's name upon marriage; it is not a legal requirement. Today, a new generation of educated women prefer to retain their surnames. On the dissolution of a marriage, a woman is free to revert to her previous name if she so chooses.
- Women, single and married are not precluded from owning, managing, acquiring or disposing of land and property either by gift or for valuable consideration.
- Upon the death of a spouse, the widow may acquire property if bequeathed to her by will. Where a spouse dies intestate, the disposition of property is determined by the Administration Act 1975 which states "that the legally married spouse is entitled to one third of the estate

property with the remaining two thirds to any children of the marriage". Where there are no children, the spouse is entitled to the entire estate.

- Both male and female children are equally capable of inheriting land and property.

PART ONE

BACKGROUND

PART 1

A. FACTS AND FIGURES ABOUT SAMOA

(a) Describe as concisely as possible the actual, general, social, economic, political and legal framework within which Samoa approaches the elimination of all forms of discrimination against women in all its forms as defined in the Convention.

The Land

The islands of Samoa lie between latitude 13° and 15° south and 168° and 173° west close to the international dateline. The group comprising two large islands, Upolu and Savaii and eight smaller islands is located 2,600 miles south-east of Hawaii, 1,800 miles north-east of New Zealand and 2,700 miles east of Sydney, Australia. The total land area is 1,100 square miles. The islands are volcanic in origin as evident in the form of dormant volcanoes and extensive lava fields. Over 98% of the population live in small villages located along the narrow coastal plains which fringe the mountain ranges. Most of the country is covered by lush vegetation and rainforest from which come wood for housing and other household items, food and traditional medicines.

The physical compactness of the group makes communications between and within islands easy and relatively cheap particularly with the completion of tar-sealed ring and cross island roads, rural electrification and telecommunications.

Over 43% of the total land is classified as arable with most of the moderate to high fertility soil areas located on the biggest but less inhabited island, Savaii. Intensive cultivation of limited flat land for agricultural and residential purposes has led to an increasing use of steeper slopes which could see erosion as a major environmental problem in the future. Eighty-two percent of the total land area is under customary ownership and it appears that this is one of the major challenges for development, although lease arrangements can be made. Land is the source of family identity and security and so any adaptations to customary land-holding systems will inevitably impact on the family systems. The 1991 Agricultural Census estimated that an average household controlled 15.4 acres of land but one quarter of households had less than the minimum of 5 acres required by a household which derives its total livelihood from agriculture.

The People

The population which totaled 176,848 in 2001 are mostly Samoans with some Chinese and Europeans. The unit of Samoan life or faasamoa is the extended family or aiga. The extended family is headed by a matai or chief who is appointed by family consensus. The matai can either be a male or female although in practice most are males. The matai is responsible for maintaining family unity and prestige, administration of family land and other assets, settling disputes and representing the family on the village fono or council. In return for this leadership the matai is rendered services by the family members. The Samoan way of life places great importance on the dignity and achievements of the group rather than the individual.

Samoa remains largely rural with 78% of its population scattered throughout the two main islands of Savaii and Upolu, however three quarters of the population live on Upolu where the capital city, Apia is located. In 2001, 38,836 people were enumerated in Apia which has the attraction for work, education and other centralised services.

Language and religion

The main language is Samoan although English is widely spoken and is the medium for communication within government and the private sector as well as instruction in schools. The language of instruction from Years 1-3 is Samoan. Years 4 to 6 is generally bilingual instruction with more English used from Year 7 onwards because of the nature of the course syllabus/content.

In the 2001 Census, 99% of the population stated religious affiliation. The main denominations of Congregationalism and Catholicism are experiencing declines in membership which may be attributed to young people being attracted towards the new evangelical religions.

Historical background

The first European to sight Samoa was a Dutchman, Jacob Roggeveen. The first settlers were beachcombers, sailors and escaped convicts who became dependent upon the communities where they found themselves. The first missionaries came from London and were soon followed by others. Conversion to Christianity was rapid.

From the 1840s until the turn of the century, Germany, the United States and Great Britain extended their influence on the islands. A decision by the three powers saw the forced separation of the Samoan islands into Eastern Samoa to be governed by the United States, and Western Samoa to be administered as a German colony. Eastern or American Samoa remains a trust territory of the United States of America while Western Samoa became the first Pacific Island country to gain independence in 1962. In 1997 a constitutional change removed the word "Western" from the country's name. Although politically divided, the two Samoas retain strong cultural links basically strengthened by close family ties.

The German administration helped to develop the economy. It was a period which also saw the arrival of indentured labour from China and the Solomon Islands to work on the commercial plantations. Political control changed hands in 1914 when New Zealand was given a League of Nations mandate to administer Samoa. In 1948 Samoa became a United Nations trusteeship territory to be guided by New Zealand toward political independence in 1962.

Demography

The 2001 Census results show that the population of Samoa has increased from 161,258 in 1991 to 176,848 in 2001. The total land area is 2,785 square kilometres; population density is 64 persons per square kilometre. Population growth rate is 1.0%. However, the natural rate of increase is about 2.4% per annum. The disparity is affected by factors such as a high rate of emigration.

Children under the age of 15 accounted for 40.0% of the total population in 2001. There has been a decline in this proportion since 1991, which is attributed to a decline in fertility rates. Improved access to family planning, women's high educational levels and the later age of marriage are all factors contributing to the decline. The working population (15-59 years) was 52.0% of the total while those 60 years and over accounted for only 0.6%, in 2001.

Women make up about 47% of the population. The predominance of females in the 60 upwards age groups is reflective of the higher life expectancy and lower morbidity rates for women There is a rising proportion of widowed, separated and divorced women with little change among men.

Higher widowhood among women is due to their greater life expectancy and the unlikelihood of remarrying.

The Demographic and Vital Statistics Survey 2000 Report estimated the birth-rate at 24.1 per 1000 and the infant mortality rate at 17.3 per 1000 live births. The same report recorded a crude death rate of 5.5 per 1000 population.

The literacy rate for men and women in 1991 was over 95%. However, an in-depth UNESCO sample survey showed that the levels may not be as high, although those for women were consistently higher than for men.

The economy

In the past two decades, Samoa has made reasonable progress in terms of economic and social outcomes. In the early 1990s two cyclones wreaked major devastation on the economy, but infrastructure has been restored, macroeconomic stability has been achieved, and important reforms have been undertaken in the public sector and the finance sector, and to the tax and tariff system. The economy is now benefiting from strong economic growth and the impact of reform efforts. Social indicators have improved and a host of activities are presently directed to improving health and education.

The immediate challenge for the Government is to continue the momentum of the recent economic reforms and in particular, make more effective progress with the reform of various public enterprises to improve their efficiency and effectiveness. Other important challenges include addressing the infrastructure and policy weaknesses in the rapidly growing fishing sector, improving the quality of primary education as well as the scope and effectiveness of preventive health care and planning for the prospects of an increase in the number of people in hardship.

After achieving modest economic growth in the second half of the 1980s, economic activity was disrupted by the devastation of two major cyclones in February 1990 and December 1991. Economic recession in Samoa's major trading partners and the impact of the taro leaf blight disease also entailed adverse impacts for Samoa in the first half of the 1990s. Rehabilitation of infrastructure, supported by generous aid, dominated economic activity through the mid-1990s. As the cyclone rehabilitation program was been completed, agriculture recovered, tourism picked up, and the fishing sector experienced dramatic growth. The Asian financial and economic crisis that began in 1997 had minimal impact on Samoa. The overall growth was 2.8% in 1998, 3.1% in 1999 and increased substantially to 7.3% in 2000.

Inflation has declined substantially over the past two decades. The better than average performance of the 1990s compared with the 1980s reflects the impact of a less severe depreciation of the currency and the substantial tariff cuts in 1998-2000. At times there have been spikes in inflation that have reflected local food shortages or tax changes.

Minimum adult wages apply but are among the lowest in the Pacific, and real minimum wages have declined substantially since 1980. The current minimum wage rate is $1.40 per hour. Where Samoa has a natural advantage associated with its resources, such as fish or certain agricultural products, or because of preferential access to large markets, the cost of labour is not a binding constraint.

Remittances have traditionally been a major source of external income. Aid is also very important, averaging over 10% of gross domestic product (GDP) for the past two decades. Tourism receipts have grown from 5% of GDP in the early 1980s to 10-15% of GDP in recent years. In contrast, merchandise exports declined substantially from the early 1980s to the mid-1990s, but recently have shown improvement.

The most important structural change in the economy has been the decline in the relative importance of subsistence activity, agriculture and fishing, in real GDP. The subsistence share of GDP has declined from about 25% in the early 1980s to about 15% in 2000.

Despite the overall economic growth performance in recent years, growth of formal-sector employment has been relatively weak. This largely reflects job losses at the Yazaki factory. Most of the workforce is still employed, albeit often part-time, in the agriculture and fisheries sector, reflecting the importance of subsistence activity.

In the first half of the 1990s, fiscal and monetary policy was dominated by the response to the cyclones and the subsequent rehabilitation program. Initially, this meant large increases in government expenditure, substantial budget deficits, and tight monetary conditions overall. In the second half of the 1990s, the budget position has been consolidated, macroeconomic stability has been good, there has been strong growth of credit to the private sector and inflation has been reduced to less than 1% in 1999.

Following the period of cyclone rehabilitation, the Government developed a comprehensive economic reform programme. Since 1996, it has released a series of biennial Statements of Economic Strategy. The current Strategy continues the emphasis on macroeconomic stability, public sector efficiency, improved education and health standards and a strong private sector as developed in the early strategies. In addition, the current strategy emphasises the importance of reinvigorating the agriculture and fishing sectors and the promotion of sustainable tourism development economic and social outcomes. An important feature of the reform strategies has been the extensive consultations that have been undertaken in their preparation and implementation so far.

The Government has implemented a number of tax and tariff reforms in the 1990s and particularly in the 1998-1999 and 1999-2000 budgets. The recent tariff and tax reforms reflect the objectives of pursuing an open trade policy and an economically efficient taxation system.

A comprehensive market-based financial liberalisation program was initiated in early 1998. The reforms have entailed, inter alia, the removal of credit and interest-rate controls, the use of auctions of Central Bank securities as the main monetary policy instrument, and the strengthening of the capacity of the Central Bank.

Samoa has adopted a wide-ranging program of public sector reforms. The introduction of output budgeting, a greater emphasis on strategic planning, the provision of increased autonomy for line agencies and a privatisation and corporatisation program have resulted in the pursuit of modern public-sector management practices. Substantial improvements have been made in a relatively short period and the public sector has indeed become more accountable and transparent. However, the Government recognizes that much work remains to be done and further reform initiatives are being introduced.

Constitutional background

Samoa's Constitution establishes that Samoa is an independent state with a parliamentary system of government and that it is a democracy.

The Constitution of Samoa is the principal formal statement, which is regarded as the supreme law of the country.

The Executive

Only members of parliament may be selected as ministers of state and parliamentary under-secretaries. Cabinet, comprising the Prime Minister and 12 Ministers, is the body which is responsible for the administration and management of the government of Samoa. Its role is to decide on policy matters, government budget estimates, and bills to be introduced to Parliament.

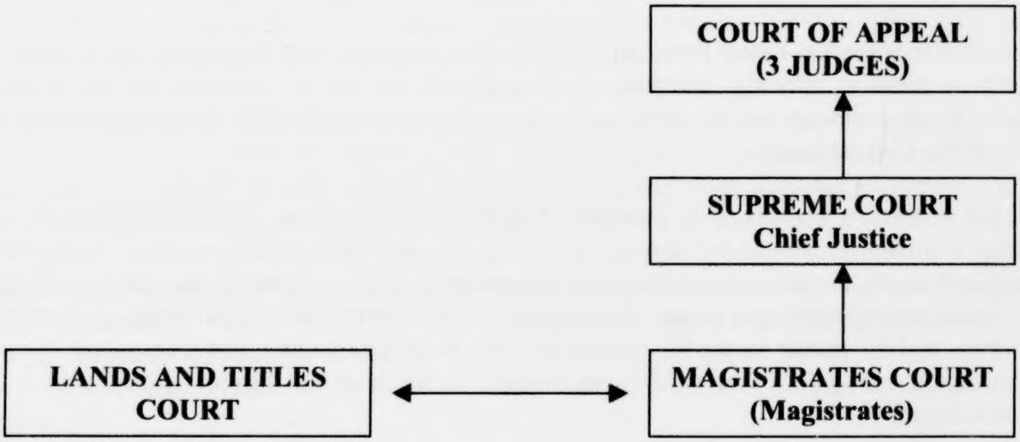
Parliament

Parliament consists of the Head of State and Members of the Legislative Assembly, the latter being decided by universal suffrage in accordance with the Electoral Act 1963. Prior to 1991, members were elected on the basis of two electoral rolls, one for the 'matai' vote (those with chiefly titles assumed to be voting on behalf of their extended family) and the other for those not catered for under the matai system. This group of individual voters included those of mixed blood and non-Samoans who have fulfilled residency and citizenship requirements to vote.

The term of office for Members of Parliament was 3 years until 1991 when it was changed to 5 years as a consequence of an amendment in the Electoral Act. The Constitution provides for Parliament to have full powers to make laws. A bill passed in Parliament immediately becomes law when the Head of State assents to it.

The Judiciary

The Constitution includes enactments for appointments to office. It interprets Acts passed by Parliament and reviews actions of the Executive to ensure that they are acting within the law. The hierarchy of the courts is as follows:



Appointment of the members of the Judiciary are determined by the Judicial Services Commission which comprises the Chief Justice, Attorney General and a nominee of the Department of Justice according to Section 72 of the Constitution.

The Land and Titles Court adjudicates disputes over customary lands and titles and is established pursuant to the Constitution of Samoa and the Lands and Titles Act 1981. Appeals from decision at first instance are made to the Chief Justice sitting as the President of the Lands and Titles Court and presiding alone.

Decisions of the Lands and Titles Court may be reviewed by the Supreme Court only in certain circumstances. Otherwise, it has distinct and separate jurisdiction as defined under the Constitution and Lands and Titles Act 1981.

Fundamental rights

The Constitution defines basic human rights as they apply to the actions of the Legislature, Executive and Judiciary as well as activities of the public. The fundamental rights covered under the Constitution include rights to life, personal liberty, fair trials, religious instruction as well as freedom from inhuman treatment, forced labour, freedom of speech, assembly, association, movement and residence as well as freedom from discriminatory legislation.

Political parties

There are two main political parties, the Human Rights Protection Party and the Samoa National Development Party. Members not of the main political parties sit as independents.

Public service

The public service is responsible for implementing the policies of government. It comprises 25 government departments and ministries and a number of statutory organisations. It is still highly centralised and expensive to operate. In 1994 salaries constituted 40% of the total current expenditure budget for the financial year. Retiring age for the public service is 55 years. Moves are under way to reform, right-size and eliminate the overlapping of functions within the service as well as improve efficiency to ensure greater management accountability.

Legal system

The legal system is derived from the English common law system with the Constitution as its cornerstone. It is composed of a courts systems described earlier with the Court of Appeal being the court of final appeal presided over by 3 judges, usually from the Commonwealth jurisdiction, as local judges may not preside on appeals of their own decisions.

The Supreme Court is presided over by the Chief Justice who is a political appointment, usually for life unless removed by the Head of State at the recommendation of Parliament having resolved by a two-thirds majority. The Attorney General is the legal adviser and the chief prosecutor for government.

The Office of the Ombudsman was established in 1991 to monitor the conduct of public authorities and officials. There have been occasions when customary law has been in conflict with the common law and resulted in Parliament passing the Village Fono Act 1990 which validated and empowered the exercise of power and authority by the council of chiefs in accordance with the customs and traditions of their village. The Constitution however, requires that all laws be consistent with the terms of the Constitution.

B. IMPLEMENTATION OF THE CONVENTION

(b) *Describe any legal and other measures adopted to implement the Convention, or their absence, as well as any effects which ratification of the Convention has had on Samoa's actual, general, social, economic, political and legal framework since the entry into force of the Convention for Samoa.*

Effects of ratification

The principle of equality between men and women is already enshrined in Samoa's Constitution. However, there are practices and attitudes which may be deemed inconsistent with the Constitution.

It is the normal practice in Samoa to ratify international conventions only when the provisions are substantially implemented in customary law and practice except for areas where there would be reservations. Much of the Convention is already embodied in Samoa's laws and its principles accepted by the majority and fits within the prevailing overall cultural matrix. Therefore, the impact of the CEDAW and CRC as such, on the general, social, economic, political and legal framework has not been great. The major impact of CEDAW as well as that of the CRC has been the initiation of interest in a review of legislation that directly impact on the rights of women and children.

It is hard to ascertain whether international obligations are being taken into account by the Courts to guide interpretation of statutory provisions. Courts must consider or take into account their obligations under CEDAW and all other treaties, which Samoa has ratified.

It is not common practice for Samoans to resort to the legal system for assistance in asserting their rights. Awareness of rights is the focus of many public education programs carried out by the Ministry of Women Affairs and women NGOs as part of the efforts to publicise CEDAW.

The meaningful implementation of CEDAW cannot be accomplished solely through legal avenues. The Ministry of Women Affairs must continue to make CEDAW a living and operative document in Samoa in consultation with various agencies of the government, non-government organisations including church groups, as well as development partners. A simplified version of the CEDAW in the vernacular needs to be distributed widely in order for the public to be informed of the Convention. The Ministry of Women Affairs, in assuming responsibility for the implementation of the CEDAW, also faces enormous challenges in balancing public expectations against the reality of limited resources. The status and capacity of the Ministry needs to be further strengthened.

The Ministry of Women Affairs Draft Amendment Bill 2001 together with a Draft National Policy for Women of Samoa 2001-2004, currently tabled with Cabinet, prescribes fully with the objectives of CEDAW.

C. COMPLIANCE WITH THE CONVENTION

(c) Describe whether there are any institutions or authorities which have as their task to ensure that the principle of equality between men and women is complied with.

The philosophical grounds of the Convention underpin the work of the Ministry of Women Affairs. At the time of ratification it was envisaged that the implementation of the Convention would strengthen the role of the Ministry in addressing appropriate policy and program areas to ensure the institutionalisation of the principle of equality across all sectors. There is progress in this area and significant improvement in capacity to ensure that the Ministry carries out this role effectively. The Ministry of Women Affairs Draft Amendment Bill 2001 and the Draft Policy mentioned in the previous chapter will further enhance this role. The preparation of periodic reports will constitute a form of monitoring. These will be translated into the vernacular and distributed widely throughout the country so that there is awareness of what progress has been achieved.

The Ministry of Women Affairs has completed a high level consultation with heads of government departments to make them aware of the issues and to discuss ways whereby they could ensure mainstreaming women's needs and that all departmental policies and programs are assessed in terms of their impact on women. In 1997/98, the Ministry of Women Affairs began the process of establishing gender focal points within each department to ensure that women's issues are included in policy analysis and programs. The establishment of women liaison officers has been incorporated into the draft Amendment Bill 2001. Women Liaison Officers will be extended to all districts under the Amendment Bill.

The Ministry of Women Affairs has also produced a leaflet on gender awareness issues as part of the popularisation process of the CEDAW. The leaflet has been circulated to all departments and government corporations with the intention that it would improve project and program design as well as implementation. CEDAW Partnership comprises representatives of relevant government departments and non-government organizations.

While Cabinet has approved a statutory body to monitor the implementation of the Convention on the Rights of the Child, for which the Ministry of Women Affairs is the focal point, a similar body has not been established for the CEDAW. The same body with a multi-sectoral representation could be recommended to serve for both Conventions. Alternatively, the CEDAW Partnership could be recognised as the statutory body to implement and monitor CEDAW. Statutory authority would give such a monitoring body a legal standing to request and secure information as well as making it legally binding to meet on a regular basis and carry out its functions.

Remedies available to women who have suffered discrimination

Any person who feels that his or her constitutional rights and freedoms have been infringed or threatened is entitled to approach the courts to seek protection or enforcement.

The Office of the Ombudsman has a constitutional duty to investigate complaints concerning alleged violations of the fundamental rights and freedoms committed by the government or its agents. The Office has prepared educational materials to publicize its services. The courts, despite the fact that they are the only forum for the redress of constitutional issues are seldom used for such purposes.

Only once has such remedies been tested to address the issue of sexual equality. In the early eighties a woman in the individual voters roll who was not a matai sued the electoral office for having stripped her of her right to vote because the status and eligibility of her spouse to be on the same electoral roll had changed. If the spouse of a woman on the individual voters roll takes up a matai title he has to register on the matai roll. His spouse and children automatically lose their right to vote under the individual voters roll. The case was won after an appeal to the Supreme Court and was a landmark in that it was a public recognition of equal rights between men and women. The solicitor for the plaintiff quoted the Constitution in defence of their case claiming that it was discriminatory to determine the rights of women on the basis of their marital status. The judge ruled that the Electoral Act was void because it violated the Constitution articles on anti-discriminatory provisions.

The general feeling is that not many would take such action because women in the country generally enjoy the same opportunities as men. There have been cases of sexual harassment which are not covered under the Labour and Employment Act 1972. The cases were referred by the Labour Department to the Police as they constituted cases of sexual assault. The Labour Department is currently looking at revising legislation to include sexual harassment on the job as well as more definitive provisions on Occupational Health and Safety. At the time of writing, an Occupational Health and Safety Bill 2001 had been introduced in Parliament and should be passed before the end of the year.

CEDAW, and other international instruments

The implementation of CEDAW will go hand in hand with that of the Global Platform of Action adopted at the 4th World Conference on Women held in Beijing in 1995 as well as the Pacific Platform of Action adopted that same year. This approach would ensure the integration of policy formulation and action-oriented strategies which will require the contribution of everyone involved in development to make active and visible policies of mainstreaming gender perspectives into all policies and programmes.

D. ADVANCEMENT OF WOMEN

(d) Describe the means used to promote and ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms in all fields on a basis of equality with men.

Ministry of Women Affairs

The Ministry of Women Affairs was established by Act of Parliament in 1990 and opened office in April 1991. This made Samoa the first Pacific Island country to set up a separate ministry to address women's issues. It is the principal means of promoting and ensuring the full development and advancement of women. Up to 1990, women's issues were coordinated by a Women's Desk in the Prime Minister's Department.

The Ministry of Women Affairs has an Advisory Committee, membership of which is predominantly NGOs. This is a mechanism to ensure NGO involvement in advising the Government on issues and concerns of women.

A substantive amendment to the Ministry of Women Affairs Act 1990 - the Ministry of Women Affairs Draft Amendment Bill 2001- presently before Cabinet will see the appointment in each village of Liaison Officers whose primary responsibility will be to represent, and provide to the Ministry of Women Affairs, the interests and views of the village women.

The other substantive amendment is reflected in the changes proposed in the responsibilities of the Ministry of Women Affairs as outlined in the following objectives and duties within the proposed amendment:

(a) to promote the welfare and interests of women and girls;
(b) to identify any discriminatory practices based on gender;
(c) to facilitate the removal of gender discriminatory practices;
(d) to advice the Minister on the status of women and girls and recommend any policies which may result in the removal of any forms of discrimination based upon gender;
(e) to encourage the development and advancement of women and girls at all levels and in every endeavour in Samoan Society; and
(f) to encourage and support the work of organisations or individuals in the community who work with women and girls.

Together with the proposed amendments to its governing legislation, the Ministry of Women Affairs has also tabled with Cabinet, after a review by a Cabinet appointed Task Force, a Draft National Policy for Women of Samoa for the period 2001-2004. The proposed Policy has as its three objectives, the following:

- to provide information and guidelines to enable the full integration of women issues into development plans;
- to monitor the achievement of specific indicators towards the attainment of general objectives; and
- to provide direction for the work of the Ministry of Women Affairs and NGOs which are consistent with national obligations under international protocols that Samoa is a party to, such as CEDAW and the CRC.

In the 1991/1992 financial period, the Ministry operated on a budget of SAT $138,000 and employed a staff of 5. The current financial year (2001/2002) sees the Ministry administering a budget of SAT $903,168 and employs a staff of 28. Three permanent positions for the island of Savaii were established in November 1997. Currently, the Ministry has 5 classes of outputs:

1. Policy advice

This involves the provision of policy advice to the Minister of Women Affairs on legislation and any other policy proposals which have significance for women's social, economic or political equality and evaluation of the extent to which public and private sector activities facilitate or inhibit women's status.

2. Information services

This involves the provision of information and liaison services to the public particularly women and includes publications such as the monthly newsletter and weekly radio programme in the vernacular, the conduct of seminars and workshops and liaison with agencies and firms whose activities influence or impact directly on women's status. The Ministry has also been involved with gender sensitisation training for a number of government departments.

3. Ministerial services

This involves the provision of services to the Minister and consists primarily of preparing ministerial Cabinet submissions, draft replies to ministerial correspondence, parliamentary questions and reports on issues raised by other agencies which impact on the work of the Ministry or involve women.

4. Research and statistics

This involves the continuous updating of the statistical database for women and men, the collection and analysis of data through the implementation of surveys on the crucial sectors of the female population on which little or no data is available, as well as the production of statistical information which can be used for planning and programming. This information can also be accessed by outside agencies.

5. Training and coordination of programmes

This involves the provision of community based upskilling processes and training in areas which need to have national coverage and are not adequately catered for by non government organizations. This output also involves the provision of coordination of programmes for the commemoration of the International Women's Day on March 8 and the National Women's Day in May each year as well as the coordination of women's activities for special programmes of other government departments. The Ministry of Women Affairs, in accordance with the Government's commitment to the Beijing Conference, has established training as a strategy for the economic capacity building and skills upgrading of women. As such all programs run by the Ministry have a training component.

The amendments proposed in the Ministry's governing legislation will further enhance its policy formulation and monitoring roles.

As part of its coordinating role, the Ministry of Women Affairs works in collaboration with departments and other agencies in planning appropriate activities for women for special commemorative occasions such as World Food Day and Environment Week.

Other government agencies

The Ministry of Women Affairs is a member of national policy committees of several government departments as well as statutory boards. Although there have been several attempts to establish gender focal points within a number of government departments, the response has not been uniform. The Ministry of Women Affairs needs to be assertive and proactive in maintaining and expanding these liaisons for information exchange.

Non-government organisations

In addition to the formal government mechanisms for promoting and ensuring the full development and advancement of women, there are many non-government organisations with objectives that support the development of women. These include:

- the long established National Council of Women;
- the Samoa Organisation for the Development of Women's Committees;
- Professional organizations such as the SRNA, STA Women's Wing and SAWG;
- Issue-specific NGOs: The Mapusaga o Aiga (MOA), translated to mean Family Haven, works primarily in the area of violence against women; and the Women in Business Foundation (WIB) conducts business training for women and has established micro-credit schemes for small scale enterprises;
- Women's wings of workers unions;
- Church affiliated Women's Groups; and
- Girl Guides, one of the oldest NGOs in Samoa.

Through these women's organizations, additional opportunities for women to obtain informal training are offered. Areas covered under such training include small business development skills, micro credit, health, and adult education.

E. ENFORCING PROVISIONS OF THE CONVENTION

(e) Describe whether the provisions of the Convention can be invoked before, and directly enforced by, the courts, other tribunals or administrative authorities or whether the provisions of the Convention have to be implemented by way of internal laws or administrative regulations in order to be enforced by the authorities concerned.

As previously indicated, the provisions of the CEDAW are well enshrined in Samoa's Constitution as well as Samoa's laws. In some areas however, specific mechanisms need to be put in place in order to effect implementation. The Ministry of Women Affairs is the lead agency in monitoring and recommending to Cabinet any legislative changes or mechanisms to be put in place, in close collaboration with the CEDAW Partnership. As well, other international agreements that Samoa is a party to complement the provisions of the Convention giving it more clout such as the Convention on the Rights of the Child. The enforceability of the Convention has yet to be tested in the courts and other administrative authorities.

It is possible however, for the courts to consider the effect of the provisions of CEDAW. If there is a case in which the Convention is referred to or submitted as the basis of an argument, the court may give it consideration in reaching its final decision. This rationale is premised on two recent custody cases which quoted the Convention on the Abduction of Children even though Samoa has not ratified it.

Recommendation

The Ministry of Women Affairs to strengthen the existing women infrastructures as the mechanisms that will take the implementation, monitoring and evaluation of CEDAW to the village level.

PART TWO

ARTICLES OF THE CONVENTION

ARTICLE 1

DEFINITION OF DISCRIMINATION

For the purposes of the present Convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or mollifying the recognition, enjoyment or exercise by women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

3.1 Constitutional provisions pertaining to women

The Constitution of Samoa embodies a strong commitment to human rights and freedoms, with particular reference to equality of opportunity for all citizens. The Constitution guarantees the equality of men and women in the protection and enjoyment of human rights. Furthermore, Article 15 of the Constitution prohibits any laws and any actions by the State that discriminate against any person on the grounds of descent, sex, language, religion, political or other opinion, social origin, place of birth and family status. The same Article goes further to say that nothing in the Article shall prevent the making of any provision for the protection or advancement of women.

The legal definition and interpretation of discrimination is sufficiently broad to be comparable with that contained in the Convention. While Article 15 of the Constitution does not specifically encompass discrimination against women by private institutions and individuals, its interpretation may extend the application of discrimination to private institutions and individuals.

3.2 Other laws, policies and practices pertaining to women

By Cabinet Directive , a legislation review was conducted in 1993 by the Office of the Attorney General, to identify any indications of discrimination against women in existing legislation. The general finding by this review was that existing legislation is in favour of women.

The Labour and Employment Act 1972 has special provisions intended for the protection of women. These provisions stipulate that women should not be employed in activities not suited to their physical capacity and should not work between certain hours unless it is in areas where they are employed and would need to do shift work such as nursing, etc. These special provisions are left to the discretion of the Commissioner of Labour to determine suitability and nature of work for women. The provisions cover practices which although not intending to discriminate, are discriminatory in effect and need to be reviewed.

Likewise, domestic violence is not expressly included under discrimination in the Constitution. However, gender-based violence against women may be interpreted to fall under the ambit of Article 15 (1) of the Constitution. There is no other existing legislation which identifies gender-based violence against women as being discriminatory.

Customary law accords women a status of prestige where the relationship between brothers and sisters is referred to as the 'sacred covenant'. In the traditional arena, where a class system exists, there is a marked difference in the assertion of rights from the higher to the lower rungs of the hierarchy. The daughters and sisters of a village would have a higher status than the wives.

International law does not automatically become the law of the country. Although the Convention is binding on the State at the international level, it cannot be enforced through the local judicial system. It can be used as an interpretative tool and in this capacity can serve as guidelines for monitoring state activities. However as mentioned before, the principles of the Convention are well enshrined in the Samoan Constitution. In practice, Samoan women do enjoy equality and are not really conscious of gender barriers because they do not feel that discrimination is intrinsic in the system. Nevertheless there are practices which, while not intending to discriminate, have been tested in the courts and decided upon as discriminatory. This was illustrated in a court case in 1981, previously cited in Part I.C.

Recommendations

- *The Ministry of Women Affairs to analyze the findings of the 1993 Legislation review to ascertain that there are no discriminatory provisions by definition or application in existing legislation.*
- *The Ministry of Women Affairs to liase closely with the Labour Department on the provisions of the Labour and Employment Act 1972 to ensure that women are given opportunities and freedom of choice as men.*

ARTICLE 2

OBLIGATIONS TO ELIMINATE DISCRIMINATION

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and to this end undertake:

(a) to embody the principle of equality of men and women in their national constitutions and appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means the practical realisation of this principle;
(b) to adopt appropriate legislative and other measures including sanctions where appropriate prohibiting all discrimination against women;
(c) to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
(d) to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
(e) to take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise;
(f) to take all appropriate measures including legislation to modify or abolish existing laws, regulations, customs and practices, which constitute discrimination against women;
(g) to repeal all national penal provisions which constitute discrimination against women.

2.1 Equality under the law

Samoa in its Constitution accords to women equality with men before the law. There is no subsidiary legislation which contains general prohibition on sex discrimination although there is general understanding that equality underpins all legislation in the country.

2.2 Legal recourse for pursuit of women's rights

Legal recourse to enforce fundamental rights under the Samoan Constitution is through the Supreme Court. There is no central organisation to process complaints of women whose rights have been violated or who have suffered gender discrimination. The Ministry of Women Affairs under its Ministry of Women Affairs Act 1990 is charged with the responsibility of identifying any gender discrimination against women and make recommendations for the progressive removal of such. The Ministry of Women Affairs has recently tabled with Cabinet a Draft Amendment Act 2001 and a Draft National Policy for Women for the period 2001-2004. The implementation of these policies will enhance the monitoring role of the Ministry of Women Affairs for the advancement of women and girls.

In addition to the Ministry of Women Affairs and Justice Department, NGOs, such as the *Mapusaga o Aiga* play a key role in enhancing women's awareness of their rights though their legal literacy training programs for women. The *Mapusaga o Aiga* has been designated by ESCAP as the NGO focal point for the promotion of CEDAW specifically through the production of legal rights training materials. Legal rights training officers trained by The Pacific Regional Human Rights Education Resource Team (RRRT) developed training materials and conducted the training processes.

There have been cases of sexual harassment on the job which have been reported to the Labour Department. In the absence of legal provisions in the Labour and Employment Act 1972 governing sexual harassment, the only recourse has been to refer the matter to the Police where sexual harassment has resulted in sexual assault. The Labour Department is currently looking at the issue of sexual harassment and will be recommending amendments to the current legislation.

2.3 Discrimination by public authorities and institutions

The Constitution provides that all fundamental rights and freedoms shall be respected and upheld by all. Article 15(2) of the Constitution specifically provides protection from discriminatory actions by the State on the grounds of sex, among others. Women are well represented in most public authorities and institutions. There are a few private clubs, which exclude female membership. However it is not a normal practice in the Samoan society to have such organisations which is why it is not unusual to find that the Young Men's Christian Association (YMCA) for example, has a large female membership.

In the past, girls were expected to leave school once they become pregnant. This is no longer the case. They are given the choice to stay in school and to continue after they have had the child. Overall there is a supportive attitude for students who become parents before they complete school.

The Office of the Ombudsman has been charged with the responsibility of investigating complaints against government, its corporations and agents where such complaints allege the violation of fundamental rights and freedoms.

Recommendations

- *Identify any practices whether legislative or administrative that are discriminatory;*
- *Undertake a study of discriminatory implications like sexual harassment in the workplace in existing laws; and*

- *The Ministry of Women Affairs to develop a mechanism for effective monitoring of discriminatory practices in administrative policies in public and private institutions;*
- *Explore the viability of establishing an autonomous body to process complaints on violation of women's rights or alternatively propose an amendment to the functions of the Ombudsman to include this jurisdiction.*

ARTICLE 3

THE DEVELOPMENT AND ADVANCEMENT OF WOMEN

States parties shall take in all fields in particular in the political, social, economic and cultural fields, all appropriate measures including legislation to ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

3.1 Women's development and advancement

Samoan women have experienced significant changes in their economic, social and political lives over the last half century. The most impressive change has been their increased participation in paid employment and the reliance of the market economy on their participation. Another significant change has been their increased interest and participation at the national political level although their numbers do not reflect such a situation. As well, there has been a rapid increase in the number of senior management positions in government held by women. Other important developments include decreased fertility rates and related reduction in family size.

It can be said that, Samoan women have equal access as men in law and in all other processes. An active women's movement promulgated by NGOs and reinforced participation of women in the paid labour force have also spun off other important changes such as a dominance by females of tertiary education in areas usually presumed to be male oriented, a push for better health services for women and increased interest to enter national politics. As well, there has been a conscious effort to produce disaggregated statistics and to ensure that important national statistical efforts such as the Household Income Expenditure Survey includes indicators to measure women's economic activities.

Women in Samoa have equal rights to social security and have always enjoyed equal opportunities and equal pay as well as equal rights in marriage and parenthood. Women also are the main players in the area of disabilities, providing support where the government has not executed a national policy or programs for the disabled. Women's groups have also initiated special needs schools and are the main movers of early childhood education programs.

Traditionally, women have always been accorded a high status and play important leadership roles in both family and community. It cannot be denied however that some attitudinal barriers exist which hinder the full realisation by women of some leadership opportunities. Greater public and self-awareness programs for women on their legal rights would offer more opportunities for further advancement of women.

NGOs in their specialised fields have begun the process of identifying areas requiring changes in government policies where the impact of such policies affect women negatively and to recommend to the Ministry of Women Affairs changes for consideration by Cabinet and, if necessary, Parliament. The same mechanism can be used to monitor practices in other agencies of the government.

Recommendations

- *The Ministry of Women Affairs to strengthen the coordination of training programs to increase understanding and knowledge of basic human rights and freedoms of women.*
- *Develop a mechanism for systematic inclusion of disaggregated gender statistics in all national statistics provided on a regular basis.*

ARTICLE 4

ACCELERATION OF EQUALITY BETWEEN MEN AND WOMEN (AFFIRMATIVE ACTION)

(1) Adoption by States Parties of temporary measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention but shall in no way entail as a consequence maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

(2) Adoption by States parties of special measures including those contained in the present Convention aimed at protecting maternity shall not be considered discriminatory.

5.1 General

Samoa's laws protect all citizens, and both law and custom protect women from discrimination. Samoa's Constitution (Article 15 (3b)) permits the legislature to pass affirmative action legislation for women and disadvantaged groups. Thus far, there has been no official policy aimed at accelerating the de facto equality of women because there is the general perception embodied in the Constitution and traditional laws that women are accorded a high status and are rendered equal with men. There are however, specific areas in which affirmative action has been taken to address areas where there are perceived gaps with regards to the participation of men versus women.

5.2 Affirmative action

In the early 1990s, a quota of 50% was set for tertiary awards tenable outside Samoa to be for women. Although equal numbers of men and women received scholarship awards over the period 1996-2001, women received on average slightly higher numbers than men. The selection for scholarships awards is still based on merit. However, the quota is there to remind the selectors of action to be taken should there be a glaring imbalance.

In order to address the gender imbalance in vocational training at the Samoan Polytechnic, a number of scholarship awards have been offered to attract females into the trades that have been dominated by males. In addition, a Gender Equity Policy has been put in place.

There are no laws which specifically provides for women representation on statutory boards. Except for one or two, women are represented on most of these institutions. The Ministry of Women Affairs has compiled a Directory of Women of Samoa with appropriate curriculum vitae which could be used to identify women who might be potential members of Boards and make appropriate recommendations to the government.

Another form of affirmative action that is being progressively adopted is the special attention given to the inclusion of women's concerns in policy formulation and program implementation. This is manifested in the inclusion of a representative of the Ministry of Women Affairs in all project coordinating committees of major development projects. As well, the Ministry of Women Affairs and relevant NGOs are represented on policy formulation committees of relevant sectors such as health, agriculture, television media and education. The formulation of the biennial Statement of Economic Strategy is another major activity where the Ministry of Women Affairs, women's NGOs and women's Community Based Organizations(CBO) are consulted.

Gender sensitisation courses are featuring markedly as part of national in-country training programs by the Public Service Commission as well as for specific sectors such as agriculture and education particularly in the Polytechnic and National University of Samoa.

5.3 Protection of maternity

Protection offered to female employees which take into account their special needs as women or mothers are not to be considered discriminatory. In enacting legislation which would not limit women's participation in the labour force, there is recognition of the need to support the family unit as a whole and facilitate greater involvement of fathers in child rearing, while maintaining the exclusive rights of women in those specific areas where women's maternal needs are connected to birth itself.

Other than the general provisions under the Labour and Employment Act 1972 that is interpreted to protect women from undertaking manual labour not suited to their physical condition, there is no legislation which specifically provides measures for the protection of pregnancy and maternity of women in the workplace.

The details of maternity benefits will be discussed under Article 11.

Recommendations

- *The Ministry of Women Affairs to pursue as a matter of policy the protection of pregnancy and maternity of women in the workplace especially in private institutions.*
- *The Ministry of Women Affairs to facilitate women's representation in all government committees and boards.*

ARTICLE 5

SEX ROLES AND STEREOTYPING

States Parties shall take all appropriate measures to:

(a) modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women;

(b) *ensure that education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.*

5.1 General

The basic social unit of Samoa is the extended family (*aiga potopoto*). The aiga is headed by at least one leader or chief *(matai)* who is appointed by the consensus of the aiga. The matai administers the use of family land and their assets, settles disputes, and represents the family in the village Council. The gender ideology underlying the matai system features complementary male and female roles where women are respected as sisters and co-descendants.

The traditional Samoan village is made up of two conceptual entities "the village of men" and the "village of women". This dichotomy reflects the gender division of labour on which almost all traditional institutions in Samoa are based. The criteria for membership in village groups are age, marital status, political status, and whether one is born into the village or married into it. This system accounts for everyone, and imposes a number of different expectations on all members of the village. For example, women operate within one of three social groups in the "village of women". The *aualuma* comprises the widowed and unmarried daughters of the village, the *faletua* and *tausi* comprise the wives of the chiefs and the *ava a taulelea* are the wives of the untitled men. The *aualuma* is a powerful and influential group in the village community as their status is higher than that of the wives and is on par with that of the titled men. The grouping of the wives are expected to serve the families of their husbands while the *aualuma* have their own meeting house and are the *faioloa* or wealth makers as weavers of fine mats and other crafts which are held in high value in Samoan society. The *aualuma* can also socialise outside their homes while the wives are confined to their homes.

The difference in status between sisters or daughters and those of wives originates from the concept of *feagaiga,* the sacred covenant under which the authority is held by the brother while the honour of the family is with the sister. The bond between brother and sister is a powerful paradigm for all female–male relationships. The complementarity of roles produces a special form of control which allows women to assert influence within the family's decision making process whether it is in the bestowment of titles or the resolution of conflict.

The endurance of the *faasamoa* ensures national security. It also continues to safeguard women's rights in these rapidly changing times. Women's roles are changing fast due to the advent of Christianity but more so as a result of modifications to the family system as people try to come to terms with the demands of a cash economy which has changed the social organisation of Samoa. There are also indications that the faasamoa customary mechanisms may not be operating as effectively today. Trends towards more "female headed" households, an increase in maintenance cases and in the number of women seeking help from relief societies for their families indicate a certain erosion of communal caring which would impact significantly on women and the care of children.

5.2 Family relationships

Despite the modern role of women as working mothers, the traditional role of care giver for children and the elderly remains. Within the family there is a traditional division of labour by gender with women doing light work that is confined to and around the home and men doing work associated with economic production away from the home. Economic changes and associated changes in values have been the main factors which have diminished adherence to this practice. As such, boys and girls are no longer expected to adhere to the same strict division of labour due to the promotion of equal sharing of responsibilities in the home and the expectation of all members of a family to contribute to its wellbeing. This is particularly relevant to the upbringing of children in the urban areas where both parents are working.

5.3 Stereotyping

Religion continues to play a significant role in the demarcation of status based on gender. The principle of creation is often used to illustrate the superiority of men although women have argued against this. Women can only attain the level of deacon in the church. Women ministers are not recognised as such in Samoa. There are however, ordained Samoan female ministers working in Presbyterian congregations abroad. In the Methodist church, women have the same opportunities as men to attain the level of lay preacher.

Stereotyping in some subject areas in education still exists. However, this is in fact diminishing as a result of curriculum review, gender sensitization workshops, affirmative action and the development of gender equity policies in institutions like the Polytechnic. Moreover, parents have become more educated and aware of the many other career options open to their daughters. Female enrolment in courses generally perceived as 'male oriented' has increased.

The steady success rate of females in sciences and commerce has helped to remove the image that females are meant to be teachers, secretaries and nurses only. Returning female graduates in the sciences and commerce have been utilized as role models to deliver presentations during career days for various secondary schools. Tertiary institutions have also targeted their academic and administrative staff for gender sensitisation workshops.

In the non-formal sector there is a general shift away from home economics activities to "income generating activities" which aim to provide women with the means to become self reliant financially.

There is approximately almost an equal number of women employed in the media as men. There is also a fairly balanced distribution of gender at all levels of work. The Director of Broadcasting and the Chief Executive Officer of Televise Samoa are women. The Deputy Editor for the most widely circulated newspaper is a woman. This particular newspaper has also started to feature a regular sports page for women in sports. Because the media can potentially perpetuate stereotypes, continuos effort is needed to monitor programmes and advertisements that go through the media to ensure these do not perpetuate stereotypes of women. NGOs have worked extensively with the media to publicise issues on domestic violence and sexual abuse of women and children for public awareness and education.

Domestic violence is an issue that has been the primary focus of issue-specific NGOs like *Mapusaga o Aiga* in collaboration with the Ministry of Women Affairs. Public awareness and education workshops are conducted to encourage the public to address this issue. A large number of schools have been covered under the same programs. The same NGO has been used by the police to refer victims to for counselling.

There is no system of bride price or dowry upon which a valid marriage is dependent. In the traditional system both families are expected to make equivalent contributions. The woman's family usually provides in the form of different kinds of mats. This determines the extent of the gifts from the man's family usually in the form of food and in more recent times, cash.

There are now four television channels in Samoa. One is owned by the government, and of the three private sector channels, one is a religious channel. The local advertisements use a balance of men and women for advertisements for selling products. Foreign advertisements showing excessive body exposures of women are censored.

In the past, Samoa participated in the Miss Universe and Miss World pageants and drew wide protests from the public particularly with the use of swim-wear which is not a normal phenomenon in Samoan society. These pageants are now replaced by the Miss South Pacific Pageant, which focuses on cultural aspects more than the western concept of beauty which reinforces gender stereotypes.

There are censorship laws although enforcing them is difficult. Censorship is carried out for movies intended for public viewing and video material being brought into the country, some of which are not confined to family viewing. Pornography is also outlawed under the Indecent Publications Ordinance 1960. However, pornographic materials are smuggled into the country mainly for personal use. With the advent of the Internet, access to pornographic material is now much easier and cannot be captured easily under the Indecent Publications Ordinance.

5.4 Family health education

Family education is carried out as part of the community outreach, maternal child health and health education programmes of the Department of Health in collaboration with a number of stakeholders such as the Ministry of Youth as part of its Home Management programme for out of school youth, the Department of Education as part of population education in the schools and the Ministry of Women Affairs as part of its Community Development services and HHHV programme for women.

An innovative approach in family education was successfully pioneered by the Ministry of Women Affairs through a "Mothers and Daughters" as well as "Women and Husbands" forums, to discuss Reproductive Health/Family Planning/Sexual Health, improved communications and inter relationships issues. This was a participatory social and behavioural science approach which deliberately deviated from the typical technical focus of other government agencies and NGOs.

Pre- and post-natal care is the domain of the Family Welfare Centre of the Department of Health which is carried to the village level by the district nurses. NGOs such as the Samoa Family Health Association, National Council of Women through the "Tetee Atu le Sasa" programme and the Catholic church sponsored Fiaola Clinic on suicide prevention; continue to provide some aspect of parental skills and family education.

Recommendation

- *The Ministry of Women Affairs to promote with NGOs family life education in existing programs such as public awareness programs on domestic violence and child abuse.*

ARTICLE 6

EXPLOITATION OF WOMEN

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

6.1 General

There are no official statistics regarding the extent of prostitution and the traffic of women in Samoa. There is acknowledgement that prostitution exists. The trafficking of women is considered non-existent though research may need to be done to ensure that this in fact true. Media sources have however, reported on situations where women are being lured to American Samoa under false pretense of employment only to find out that they were to provide sex services for foreign fishermen in the fishing industry. Prostitution is regarded as an immoral and undesirable activity and it is especially regarded in such a manner given the emphasised value accorded to brother and sister roles in Samoan society and the preservation of the good name of the family.

There is a derogatory term for prostitution in the vernacular, which is used to stigmatize a female with many different liaisons without the payment of money in return for sexual favours. Interestingly, a male who is involved in similar multi-relationships is referred to in terms of sexual popularity. This is perhaps a legacy from pre-Christian Samoa when polygamy was a way of extending lineages and was considered quite acceptable.

6.2 Legal situation

Prostitution is governed by the Crimes Ordinance 1961 and the Police Offences Ordinance 1961 which prohibit the keeping of brothels, keeping of places for homosexual acts, the procurement of prostitutes, soliciting of prostitutes, living on the earnings of prostitution and impersonation of a female. The offence of keeping brothels is punishable by a term of imprisonment not exceeding five years. Impersonation of a female carries a fine not exceeding SAT200 or a term of imprisonment not exceeding 6 months. This law has never been tested in the courts.

There have been no formal studies done to date on prostitution in Samoa although it is known to be a practice in which both men and women engage. Whether children are affected cannot be ascertained. It is also not uncommon to find that there is refutation of the existence of prostitution.

Pornography is outlawed under the Indecent Publications Ordinance 1960 but it exists where publications are smuggled into the country and circulated through social contacts. The advent of the Internet has also highlighted the easy accessibility to pornographic material which is not so easily detected. The ratification by Samoa of the Convention on the Rights of the Child will ensure that studies are undertaken and measures provided to determine the involvement in and impact on children of, pornography. Censorship laws also exist but have been difficult to enforce due to limited resources. Following an amendment of the Films Control Act in 1998, censorship of video material, a booming trade in the country, is now enforced.

There are only three licensed massage businesses attached to beauty salon facilities and operate for purely therapeutic purposes. There are no known escort services.

6.3 Obstacles to the elimination of prostitution

There is no evidence that the existence of laws controlling prostitution prevent women from becoming sex workers. Current laws are discriminatory in that they criminalise prostitutes but not the clients. The rising incidences of HIV/AIDS can only act as a natural deterrent to individuals becoming involved in prostitution and public education programs have targeted such high risk groups to ensure that they are well informed of the situation.

Recommendation

- *Commission a specific study on the extent of prostitution in the country, women trafficking and the involvement of children in such, in the country.*

ARTICLE 7

WOMEN IN POLITICAL AND PUBLIC LIFE

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and in particular, shall ensure to women, on equal terms with men, the rights:

(a) to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; and

(c) to participate in non-governmental organisations and associations concerned with the public and political life of the country.

7.1 The right to vote and be elected

Prior to ratification of the Convention by Samoa, not all women had the right to vote. Only those who had chiefly titles or were registered on the Individual Voters roll were able to vote. In 1991, universal suffrage was introduced and all women aged 21 and over voted; however only those who had chiefly titles were eligible to run as candidates, except under the Individual Voters roll where non-matai could run as candidates.

7.2 *Matai* or chiefly title holders

Although women have equal rights as men to family chiefly titles, the practice has been the bestowal of chiefly titles usually on men. However, evolving changes in the Samoan culture has witnessed an increase in the number of women chiefs. Approximately one (1) out of every nineteen (19) chiefly titles are held by women. The disproportionate number has resulted in the continuing dominance of male chiefs in decision making in the Village Council. Notwithstanding, many women continue for various reasons, to refrain from accepting chiefly titles of their families. Because only persons with chiefly titles are eligible to run as political candidates, the ratio of women to men politicians will continue to be very small.

The village *fono* or council is the decision making body at the village level. All chiefly title holders, regardless of gender, are members of the *fono*.

The link between government and the village is the village mayor or *pulenuu* who is elected for a three year term and receives remuneration for administrative duties such as registering births and deaths and providing such information to the Register of Births and Deaths at the Justice Department. The 2001 figures show that 4 of the 238 serving *pulenuus* were women.

7.3 Women's committees

Every village has a women's committee responsible for village sanitation and hygiene, welfare and education as well as income generating activities and more recently environmental conservation. A woman's position on the committee depends on the ranking of her spouse in the village hierarchy. The Agriculture Census Survey Report 1989 the most recent survey where such information can be obtained showed that 90% of women belonged to at least one organisation in the village. The following table shows participation rates in some of such organisations.

Table 1. Women's participation rates in village organisations 1989

Type of Organisation	%
Village women's committee	43
Health committees	59
YWCA	6
Church groups	91
Youth groups	2

Source: Agriculture Census Survey Report 1989

7.4 Women in politics

The Parliament in Samoa has 49 members of whom 3 are female. The one woman on the 13 person Cabinet is the Minister of Education who is currently serving her fourth term as a minister of state. The low number of women politicians reflects the political system where only matai title-holders can be elected to Parliament. Some of the obstacles to women's full participation are outlined at the end of this section.

Women participate within political parties as individual members. They are considered as playing a key role in recruiting support for the party among women voters and in promoting women's representation. There is on the other hand, no formal registration of party members and women basically participate to support either their spouse or family member running for elections. Women who attain top party positions do not regard themselves as representing the female constituency but rather the public at large. The increasing number of female candidates from one election year to another is a clear indication that interest is growing among females to run for national politics.

7.5 Women in trade unions

There are few sector unions in Samoa. The main unions are the Public Servants' Association (PSA), the Samoa Teachers' Association, the Samoa Registered Nurses' Association and the Private Sector Workers' Union. The Samoa Teachers' Association has had a woman president for a number of years. All unions, with the exception of the Samoa Nurses Association, have women's wings which are set up for better representation of women and to encourage the participation of women at management level. All of these unions have women members on their executive councils.

7.6 Women in executive positions in government

Up to ratification, there had been only 3 female heads of departments. There are currently 6 female heads of departments out of 26 departments and 2 female heads of corporations out of 21 corporations. The departments are the Office of the Attorney General, Department of Broadcasting, Legislative Assembly, Public Service Commission, Treasury and Ministry of Women Affairs; and the Corporations are Televise Samoa, and the Samoa Visitors Bureau. Women feature prominently at the deputy and assistant director levels. There are more females than males at the level of professional staff serving these departments.

Cabinet in recognition of gender equity and the potential contribution of women issued a directive to have women included on the Boards of statutory bodies.

Table 2. Senior Positions held by men and women in Government, 2001

Position	Total	No. of Women	% Women	% Men
Members of Parliament	49	3	6	94
Ministers	13	1	7	93
Department heads	26	6	23.1	73
Heads statutory bodies	21	2	5	95
Deputies, Assistant Directors	45	18	40	60

Source: Public Service Commission and Corporations.

7.7 Women in the judiciary

Currently, there are no female judges in the Judiciary. However, the first female judge was appointed to the Lands and Titles Court in 1993-1999. The Attorney General is female. Generally women have been, and are, well represented in the Attorney General's Office; where currently, 70% of state solicitors are women.

7.8 Women in the church

It is estimated that 94% of Samoa's population is Christian. The church is probably the most influential institution in Samoan society. Women are highly under-represented in church leadership positions and as yet, there are no ordained women ministers/pastors. The conservative doctrines and beliefs of the mainline churches prominent in Samoa have not allowed for the representation of women in church leadership. Although women play a more active role than men in church community activities they continue to play a secondary role in church leadership. Some of the traditional sectors of the larger denominations still emphasise the traditional role of women.

7.9 Women in NGOs

NGO work in Samoa is female dominated. The participation of women in NGOs has already been discussed under Part One. Increased activity by national women's organisations and community-based organizations has helped women gain increased organisational and management skills as well as self confidence about their leadership abilities. This provides the necessary stepping stone for women to utilize opportunities for participation in areas where there are still gaps such as national politics.

Women's organizations are actively involved in policy making through consultative processes which are an integral part of the public sector reforms. Additionally, NGOs are represented in most national level policy making committees of government departments and cooperations.

7.10 Obstacles to women's full participation

Obstacles to women's full participation in political life includes the following:

- traditional institutions at local government level which place women at a disadvantage right from the start;
- a lack of recognition by men of women's skills and ability to take up political careers;
- the pressures experienced by women who combine family responsibilities with the demands of a political career;
- An under-estimation by women of their own abilities;
- The traditional institutions have male biases which deter women from reaching higher levels in political activities;
- Lack of early grooming in school to envisage top national leadership roles rather than just auxilliary or confined to set groups.

7.11 Affirmative action

The Ministry of Women Affairs has conducted capacity building processes for NGO leaders on Management and Leadership skills. These were done in collaboration with an NZODA sponsored in country training programme which the PSC coordinates and with assistance from other regional and international agencies.

Some NGOs have conducted workshops for their members to develop leadership skills and to encourage members to stand for office. Topics of these workshops include the identification of strategies such as the formation of women's support and lobby groups to encorage more women to be actually involved in politics. The Ministry of Women Affairs has recently launched a Women's Directory, the first issue of which was dedicated to "Women Members of Parliament".

Recommendations

- *The Ministry to ontinually update and publish the Women's Directory to encourage women to take up leadership positions.*
- *The Ministry to play a pro-active role in advocating and encouraging women's leadership at all levels.*

ARTICLE 8

INTERNATIONAL REPRESENTATION AND PARTICIPATION

States Parties shall take all appropriate measures to ensure women, on equal terms with men and without any discrimination, the opportunity to represent their governments at international level and to participate in the work of international organisations.

8.1 Women in the diplomatic service

Samoan women have the same rights to represent their country and participate in international organisations as men. The actual participation of women in the diplomatic service during the reporting period is given below:

Table 3. Female representation in Ministry of Foreign Affairs 2001

Level	Total	No. of women
Permanent secretary	1	0
Deputy/Assistant	5	2
Senior officers	10	8
Ambassador 1/	4	0
Honorary Consul 2/	2	0
Counselor	1	1
First Secretary	4	4
Second Secretary	1	1

1/ includes High Commissioners.
2/ includes Trade Commissioner.
Source: Ministry of Foreign Affairs.

There are 4 foreign mission offices one of which was headed by a woman up until 1996. Currently, all the Heads of Missions are men, while all the First and Second Secretaries at the Missions are women. Of the total professional staff in the Ministry of Foreign Affairs 63% are women.

To date one woman has been nominated and elected to serve on the Executive Council of one United Nations agency namely UNESCO. Two women have each served 3 year terms with the International Monetary Fund and the Asian Development Bank.

8.2 International delegations

Women are well represented on international delegations. Annual meetings of the international financial institutions such as the World Bank, International Monetary Fund and Asian Development Bank always have women attending. As well, women in senior positions within the Ministry of Foreign Affairs and relevant ministries attend as sole delegates or accompany ministerial delegations to UN conferences as well as those of regional and subregional organisations.

Recommendations

- *Promote the development of career paths for women in the foreign service*
- *Promote awareness of opportunities of work in international institutions*

ARTICLE 9

NATIONALITY

(1) States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

(2) States Parties shall grant women equal rights with men with respect to the nationality of their children.

9.1 Rights to citizenship

Samoa's Citizenship Act 1972 provides the requirements for men and women to acquire, change or retain their nationality.

Marriage to a non citizen does not change a woman's nationality unless the woman chooses to take up the citizenship of her spouse. It is not uncommon to find Samoans with dual citizenship particularly where children of Samoan citizens who have immigrated, return and decide to obtain citizenship by descent. It is not necessary for them to revoke the other citizenship they hold.

Where the spouse is a non-national, women have the same rights as men with respect to gaining residence as described above as well as employment status. Pursuant to Section 7 of the Citizenship Act 1972, women who are foreigners and are married to Samoan citizens can be granted citizenship at the discretion of the Minister; no such provision in relation to men is provided. Such men are subject to the general provisions for obtaining citizenship set out in the Act. Minor children can have their own passports and if they do not wish to have one, they can travel on the passport of either parent. In such instances a father's consent is not necessary. It is not necessary to have the consent of either parent prior to a minor leaving the country if he or she has his or her own passport.

Women can apply for passports themselves and do not require a husband's consent. If the applicant regardless of gender is under the age of 18, the endorsement of either parent is necessary if applying for a passport.

ARTICLE 10

EDUCATION

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure on a basis of equality of men and women:

a) *The same conditions for career and vocational guidance for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education as well as in types of vocational training;*
b) *Access to the same curricula, examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;*
c) *The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging co-education and other types of education which will help to achieve this aim and in particular by the revision of textbooks and school programmes and the adaptation of teaching methods;*
d) *The same opportunities to benefit from scholarships and other study grants;*
e) *The same opportunities for access to programmes of continuing education including adult and functional literacy programs particularly those aimed at reducing at the earliest possible time any gap in education existing between men and women;*
f) *The reduction of female student drop out rates and the organisation of programmes for girls and women who have left school prematurely;*
g) *The same opportunities to participate actively in sports and physical education;*
h) *Access to specific educational information to help to ensure the health and well being of families including information and advice on family planning.*

10.1 General

Samoa's educational system consists of pre-schools, primary schools, secondary schools, post secondary schools (vocational and general), teacher training institutions and a university. These educational facilities are provided for by the government, private sector, village communities and the churches. The Education Ordinance 1959 stipulates that all persons shall have the right to education. The Act was amended in 1992/93 to provide for compulsory, but not free education at primary level. Children under 14 years of age cannot leave school until they have completed primary education. There are a growing number of children who are working as vendors during school hours. Priority has been on the expansion of the tertiary sector to distribute access to higher education more equitably, decrease reliance on overseas scholarships and study awards provided as part of aid programmes as well as address the shortage of professional and technical expertise in the labour force. The average teacher/pupil ratio in Samoa is one of the lowest in the world. However there is overcrowding in the urban schools, because many pupils from rural areas are moving into the urban area for their education.

Literacy and education are almost universal because basic learning is provided free by churches even before primary school. The 1991 Census gives a literacy level for females of 97.8% compared to 98.6 for males. However, a more in depth UNESCO sample survey in 1991 testing the numeracy and reading ability of respondents in Samoan gave much lower rates, with females showing consistently higher rates than men.

10.2 School attendance

Based on data supplied by each school to the Education Management Information System (EMIS), total school enrolment over the period 1995-1999 fell slightly from 49,093 in 1995 to 49,018 in 1999, even though enrolments in Years 1, 2 and 3 continued to increase.

According to the 2001 Census, some 98% of children aged 5-14 years attended school - 93% are boys and 95% girls - full-time while 5% of boys and 4% of girls in this age group do not attend school at all. These participation rates drop off considerably in the age group 15-19 years where only 59% boys and 66% girls are recorded in the 2001 Census as attending school full-time, indicating that only 62% of children attend school after Year 8, the last grade at primary level.

Although under the terms of the Education Ordinance Amendment 1992/1993 primary school education is compulsory in Samoa, by the start of Year 9, which is the transition year to secondary school, some 36% of children have dropped out of school. However, allowance needs to be made for those children who emigrate with their families during these years, whose numbers are unknown.

The higher participation rates for girls could reflect the fact that boys leave school earlier than girls to seek employment and work for the family. The high drop-out rate between primary and secondary is reflective of the very selective process after primary level. One in six children do not complete primary school and in some cases families keep children home to do chores. A study done in 1991 by Fairbairn-Dunlop shows that boys are more likely to be kept home than girls.

Table 4. Student enrolment in all schools 1996 and 2000

School level	Male		Female	
	1996	**2000**	**1996**	**2000**
Primary	18,236	18,541	16,382	17,295
Secondary	6,153	6,412	6,146	6,752

Department of Education, *Education Information, 2000*

Enrolment of females at secondary level exceed that of males. It is estimated that more females than males are also enrolling at tertiary level; however this is a reflection of the high number of females enrolling in teacher training. An estimated 16% of vocational students are female though this figure is largely skewed by the Don Bosco Institute which has a boys only enrolment while there is no such institute for girls only. As discussed under affirmative action to remove stereotyping, scholarship schemes for girls have been introduced at the Samoa Polytechnic through its Gender Equity Policy to encourage them to take up trades.

There is a relatively large number of institutions in Samoa for secondary school graduates including individuals from years 10, 11, and 12 in some vocational cases. The National University of Samoa is the largest tertiary institution in the nation. It has faculties in education, commerce, arts, and science. There is also a branch of the University of the South Pacific dedicated to agriculture and distance learning centre and seven vocational centres. The leader and most prestigious is the (co-education) Samoa Polytechnic. The Polytechnic has a gender equity project that commenced in

1997, under which girls are encouraged and supported to pursue studies in trades generally the field of men, and vice versa. There is also the Don Bosco Technical Centre for boys only which accepts students commencing from year 11 and has enjoyed a high success rate for student employment following graduation. No such institution exists for girls at present.

The National University of Samoa and the University of the South Pacific, Faculty of Agriculture, are both located in Apia. The latter caters to a regional student body with only some 25 Samoans attending. The total number of Samoans at these two institutions, full and part-time, at the commencement of the 1999 academic year was approximately 1,245 persons. A further 70 were at Brigham Young University, Hawaii, and some 370 were on international scholarships abroad. Not counting self-funding students abroad, this was some 1,700 university students or a little over 1% of the total population of which about 60% are women.

In 1999, the Samoa Polytechnic enrolled some 673 students, of whom approximately half were part-time (including short courses). The Polytechnic's Gender Equity Project has seen an increase in young girls gaining certificates in carpentry, refrigeration, electrical fitting and machining, and maritime studies. Other vocational institutes accounted for a further 500 students. Enrolment of women overall in vocational institutes is estimated to be between 15-20% because of the large intake from the boys only institute, Don Bosco. Thus the total number of post-secondary and tertiary students was in the order of 2,800 persons or close to 2% of the total population.

The gender balance of school enrolments generally reflects the gender situation presented in the 1991 census of 0-14 year olds. The census records 52% boys and 48% girls in this age group. Most school enrolments approximate this, with variation most evident at junior secondary mission schools, where girls are markedly in the majority, representing some 58% of enrolments. In general, there is a slight tendency for girls to receive more schooling than boys, who are more prone to dropping out. Thus, senior secondary school has a slightly higher number of girls than boys. In general terms, gender does not seem to be a major issue with regard to enrolments.

10.3 Scholarship awards

As a temporary measure to ensure that the principle of equality is maintained, both New Zealand and Australia under the training components of their aid programmes stipulate equal numbers of men and women although selection by merit is the overriding criterion. Almost equal numbers of men and women received scholarship awards over the period 1996-2001, with women receiving on average over the period a slightly higher number of awards.

Table 5. Overseas Scholarship Awards 1996-2001

Year/Course	Females	Males	Total
2001 Commerce	17	11	28
Science	6	24	30
Arts	21	12	33
Total 2001	**44 (48.3%)**	**47**	**91**
2000 Commerce	6	2	8
Science	22	25	47
Arts	28	21	49
Total 2000	**56 (53.8%)**	**48**	**104**
1999 Commerce	10	7	17
Science	20	27	47
Arts	35	37	72
Total 1999	**65 (47.8%)**	**71**	**136**
1998 Commerce	1	2	3
Science	8	18	26
Arts	17	15	32
Total 1998	**26 (42.6%)**	**35**	**61**
1997 Commerce	2	13	15
Science	18	20	38
Arts	51	35	86
Total 1997	**71 (51.1%)**	**68**	**139**
1996 Commerce	1	4	5
Science	19	21	40
Arts	25	16	41
Total 1996	**45 (53.3%)**	**41**	**86**

Source: Ministry of Foreign Affairs

10.4 Dropouts

Using enrolment figures at all levels for the period 1994-1999, estimates are made of average annual number of dropouts and dropout rates. Dropout rates are highest between Year 8 and Year 9, the transition from primary to junior secondary making up 20.2% of total dropouts between Year 11 and Year 12, transition year between junior secondary and senior secondary 22.3%, and between Year 12 and Year 13 at 26.0%. Dropout rates are significantly higher for males up to year 9. From year 9 up to year 12, dropout rates for males and females are about the same. However, with respect to the transition between Year 12 and Year 13, females have a much higher dropout rate (30.4%) compared with males. Even though males are more numerous in the lower primary levels, the higher dropout rates for males at these levels result in more females entering Year 13 (560 females versus 509 males on average).

The *Demographic and Health Survey 1999* (Department of Statistics), which sampled 20% of the total population, recorded 2% of the population 15 and over having never attended school. This is in line with the 1991 census, which found a similar 2% of individuals 15 and older who had never attended school.

For the same group of individuals 15 and older, the 1999 *Demographic and Health Survey* also recorded that some 98% had reached some level of primary school and 71% had reached some level of secondary education. A small percentage will have gone to vocational education courses or may be part of internal migration processes or emigration, but ultimately the majority will join the labour force.

Table 6. Number of School Dropouts, 1994-2000

School Years/Level	Number			Percent		
	Males	Females	Total	Males	Females	Total
Primary:						
Years 1-8	362	217	579	20.2	14.6	17.6
Year 8 to Year 9	397	266	663	22.2	17.9	20.2
Secondary:						
Years 9 to 11	233	221	454	13.0	14.8	13.8
Years 11 to 12	401	332	733	22.4	22.3	22.3
Years 12 to 13	399	453	852	22.3	30.4	26.0
Total Dropouts	1792	1489	3281	100.1	100.0	99.9
Year 13 Enrollment	509	560	1069	19.2	23.2	21.2

Note: 1. Percentage figures may not add up due to rounding.
2. Average Year 13 enrolment (1994-2000) as a percent Year 1 enrolment over same period.

Source: Data derived from enrolment figures and modified by deducting estimated out-migration occurring between grade level transitions.

10.5 Educational attainment

Educational attainment for both men and women is about the same in terms of highest class completed. The 1991 Census shows that among adults aged 25 years and over, 28% of males and females have received only primary education, 68% males and 70% of females have received secondary education and 3% of males and 2% of females have received some tertiary education.

Tracer studies carried out by Lincoln University of New Zealand of Samoan scholarship students in New Zealand and Fiji for the year 1995 showed that females are performing better than males. Female students attained a graduation rate of 57% compared to 40% for males. The termination for males was 40% as compared to 7% for females. As well, an increasing number of women are pursuing studies in areas that used to be male dominated such as engineering, quantity surveying and medicine. Of the 8 students studying medicine for the year 1995-1996, seven were women.

10.6 Teaching staff

In the year 2000, 63.8% of all teaching staff were female. Primary level and senior secondary level teachers make up the bulk of this number with female teachers taking 72.5% of all primary teachers and 51.9% of all senior secondary teachers.

Table 7. Teachers by level of schooling, 2000

Level of school	Female	Male	Female %
Primary	1,040	394	72.5
Junior secondary	37	38	49.3
Senior Secondary	354	328	51.9
Vocational	9	32	21.9
Tertiary	9	29	23.7
Total	**1,449**	**821**	**63.8**

Source: Department of Education

10.7 Women in educational posts

The Minister of Education is a woman. All of the four assistant directors for the Department of Education are women. The majority of school principals at primary level are women while at secondary level, the situation is reversed. At the National University, the Vice Chancellor and Registrar are both males while the Bursar and two Assistant Registrars are females. Of the six (6) faculties, four (4) namely Science, Arts, Education and Nursing have female deans.

Career and vocational guidance is not readily available to all students. As an added affirmative action measure, female graduates in areas usually regarded as 'traditionally male' are asked to visit schools and give presentations on career paths. They serve as useful role models for young women.

10.8 Curriculum development

Curriculum development is an area which continues to be supported by bilateral aid programmes. Gender issues supported by gender sensitisation workshops for staff involved are built into programmes. There is careful monitoring so that there is no gender stereotyping in teachers guides and other learning materials. Samoa has developed a "Health & Physical Education" Curriculum for secondary schools which includes sex education the components of which are family planning, reproductive health and sexual health. Prior to this, information on these issues were usually gleaned from Government and NGOs dealing with family health and family planning issues.

10.9 Women in physical education

Sports participation by both males and females is on an equal basis. Joint programmes are conducted for sports such as rugby, soccer and netball which would ensure the participation of all students. In many schools, girls are encouraged to play traditionally boys sports such as soccer, touch rugby, rugby football and sports such as netball which once were exclusive to women, is now played by men as well. Outside the schools, national sports bodies encourage participation by both males and females of their respective codes.

10.10 Adult education for women

A greater variety of educational opportunities exist in the urban area. Vocational and general education must be made available as well in the rural areas. Continuing Education or opportunity for life-long education must be provided for all women of Samoa. All formal and non-formal education providers must be encouraged to create these opportunities in the rural areas. Non formal education is provided by government agencies such as the Ministry of Women Affairs, Department of Health, Ministry of Youth Sports and Culture and some established NGOs such as the Samoa

Family Health Association, National Council of Women, Samoa Organisation for Development of Women Committees, Women in Business and Mapusaga o Aiga.

Recommendations

- *The Ministry to continue to work closely with the Department of Education and all educational institutes in ensuring the continuation of gender neutral education enjoyed today and to monitor any biases that may affect performance of females;*
- *Conduct research into the achievements of girls who attend single sex schools;*
- *Encourage continuation of education from primary to tertiary;*
- *All formal and non formal education providers must be encouraged to create life long education opportunities for all women of Samoa, particularly in the rural areas.*

ARTICLE 11

EMPLOYMENT

1) States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure on a basis of equality with men and women the same rights in particular:

a) the right to work as an inalienable right of all human beings;

b) the right to the same employment opportunities including the application of the same criteria for selection;

c) the right to, free choice of profession, employment, promotion, job security and all benefits and conditions of service and the right to receive vocational training including apprenticeships, advanced vocational training and recurrent training;

d) the right to equal remuneration including benefits and to equal treatment in respect of work of equal value as well as equality of treatment in the evaluation of quality of work;

e) the right to social security particularly in the cases of retirement, invalidity, old age and other incapacity to work as well as the right to paid leave;

f) the right to protection of health and to safety in working conditions including safeguarding of the function of reproduction.

2) In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, State Parties shall take appropriate measures:

a) to prohibit, subject to imposition of sanctions, dismissal on grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

b) to introduce maternity leave with pay or with comparable social benefits without former loss of employment, seniority, or social allowances;

c) to encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life in particular through promoting the establishment and development of a network of childcare facilities; and

d) to provide special protection to women during pregnancy in types of work proved to be harmful to them.

3) Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

11.1 Economic participation

Samoa's workforce consists of three major categories: first, *persons who work in paid jobs;* second, a category which has not previously been disaggregated, of *persons who work doing housework/housewives*; and thirdly, *persons who work in agriculture, etc for family use.* The first category is taken primarily to represent the formal employment sector; the second and third categories represents a larger and more fluid semiformal and informal sector primarily based around agriculture and housework. Table 9 provides a brief summary of the 2001 Census categories as compared to the 1991 Census Categories shown in Table 8. The total workforce in 2001 consisted of 69% men and 31% women.

Table 8. Categories of Employed in 1991

	Percent of the Total	Males	Females
	%	%	%
Employers	1	70	30
Employees	28	64	36
Self-employed	5	86	14
Unpaid workers	66	69	31
Total	55,967	38,240	17,727

Source: Department of Statistics, 1993: *Census; Population and Housing 1991.*

Table 9. Categories of employed in 2001

	Percent of the Total	Males	Females
	%	%	%
Employers	1	70	30
Employees	49	63	37
Self-employed	4	67	33
Unpaid workers	47	77	23
Total	50,377	35,150	15,227

Source: Department of Statistics, *2001 Census of Population and Housing, Special Release Selected Tabulations.*

The 2001 Census records 51% of the population 15 years and over as economically active, of which 31% are females. Of those recorded as economically active, 95% are employed and 5% are unemployed.

The bulk of the economically inactive population recorded in the 2001 Census worked primarily doing housework and totalled 31,339 persons or some 30% of the inactive population. This is followed by those working in paid jobs of 23% and 22% working primarily in agriculture for family use.

It is important to note that, employment definitions used in 1991 were not the same as in the 2001 Census, so results are not strictly comparable. Nevertheless, these data provide the best available basis for updating estimates of informal employment, thereby enabling a current estimate of the size of the total labour force.

Given the much lower labour force participation rate for women in 2001 (14.5% of female population aged 15 and over) than in 1991 (40.2%), it is not surprising that the total labour force has declined. Much of the decline in labour force from 57,200 to 50,377 is probably attributable to the 1991 census definition used to enumerate females in agriculturally active households.

In terms of components of the labour force, there was a large gain in the percentage of women in self-employment, 33.0% in 2001 compared with 14.0% in 1991.

The data in Tables 8 and 9 indicate negative growth rate in the labour force between 1991 and 2001. Until the full report of the 2001 Census is available, it is preliminary at this stage to determine why there is negative growth in the labour force without comparable definitions.

Informal employment includes self-employed and unpaid family workers and constitutes the bulk of the labour force. The self-employed and most unpaid family workers in the urban area are engaged in the money economy. For these two components of informal employment, most are probably employed substantially full-time. However, for the majority of those in informal employment in the agricultural sector, an unknown but perhaps substantial proportion may be "under-employed".

Most of the workforce is in the informal sector (classified here to mean those working in agriculture and doing housework) and are involved in rural income generation and semi-subsistence agriculture, with remittances abroad still the major source of cash income for many. Samoa's formal private-sector workforce is still relatively small and subject to considerable variation over time.

11.2 Formal sector workforce

Table 10. Public Sector Employment, 1998

	Male	Female	Total
	%	%	
Permanent (salary)	47	53	4,281
Temporary (casual)	67	33	1,414
Total public service employment	2,959	2,739	5,695

Note: Excludes statutory corporations.
Source: Public Service Commission.

Men predominate in all divisions of the formal economy. The tertiary sector has a relatively greater number of women As this sector appears to hold the greatest potential for growth, women participation should continue to increase. This is certainly the trend in the public sector, where Table 9 records some 53% of all permanent public servants as being women (with temporary employees being predominantly men). At senior levels, the heads of departments for 8 government departments and state-owned enterprises at present are women depicting an increasing participation of women at all levels of government.

Samoa's formal sector is small and subject to considerable variation over time. (Note that at present there is a need for consistency of categories and the application of Industrial Standard Classification codes among the various collectors of employment data to assist in the use of these data for planning and monitoring).

Table 11. Employment by industry and sex: 1995 and 1999

Industry	1995		1999	
	Males	Females	Males	Females
Agriculture and Fishing	960	182	859	164
Food Manufacturing	370	233	496	262
Manufacturing, Other	805	1,820	796	1,597
Electricity & Water	767	71	440	47
Construction	814	54	530	51
Commerce	562	409	709	516
Hotels & Restaurants	406	411	567	550
Transport & Communication	1,269	316	1,476	440
Finance & Business Services	424	441	520	546
Public Administration	4,598	4,448	4,669	4,548
Education	662	511	711	622
Personal Services	327	146	403	199
Services, Other	817	383	979	367
Totals	12,780	9,426	13,154	9,907

Source: National Provident Fund.

The National Provident Fund (NPF) data show total formal-sector employment of some 23,000 persons in 1999. Employment has declined since 1995, reflecting a loss of employment in the manufacturing sector. Women made up 42% of the formal sector workforce in 1995 and increased to 43% in 1999. In terms of components of the formal sector, public administration takes up the highest percentage (40%) of the workforce with both men and women taking equal share. This number is considered too high (on the basis of information provided by the Public Service Commission (PSC). The large discrepancy which is also reflected in the figures given of those employed in the education sector by the PSC, is assumed to have resulted from the NPF coding government teachers as employed in Public Administration and not in Education. More than 60% of the workforce in manufacturing are women reflecting the predominantly female workforce of the multinational company Yazaki, operating in Samoa (workforce of about 1,500).

11.3 Constitutional and legislative measures

The Public Service is governed by the PSC Act 1977 and Regulations 1979. The Labour and Employment Act 1972 is the basic law that regulates legal provisions applicable to employment. The Act promotes fair employment practices based on the principle of tripartism and thus sets minimum working conditions.

The Act provides for the following structures; Labour Commissioner, Labour Inspectors, the Courts, a Conciliation Committee and a Review Committee for Minimum Wages. The Labour Act does not specifically prohibit discrimination on the basis of gender or marital status.

11.4 Social security

At present, Samoa does not have a social security legislation. The National Provident Fund Act 1972 sets out a pension scheme for citizens 65 years and over to receive a monthly pension of SAT100 a month. The pension scheme also provides free hospitalization, medical treatment, drugs and vision in state hospitals and free passage on state owned sea vessels. Women are entitled to the scheme on the same basis as men.

11.5 Employment Benefits

The National Provident Fund Act was set up primarily as a compulsory retirement fund for all wage earners. The Fund requires all wage earners to contribute 5 sene (cent) out of every Tala (dollar) in wages, to be matched by the same amount by all employers. The age of eligibility is 55 years. Earners, both men and women can borrow from their contributions and do not need either spouse's guarantee or approval. Women also receive equal benefits such as holiday pay, sick leave and job training as men.

Two of the main line churches, the CCCS and Methodist have policies which stipulate social security benefits for the spouses of deceased church ministers. The CCCS policy provides for a $1000 gift to the surviving wife of a deceased minister. There is no such provision for the surviving husband. Retiring age for ministers is 70 years old, when a minister and his wife each receives a monthly pension of $200 monthly until they pass away.

11.6 Accident compensation

This is provided through social insurance levies on employers, motor vehicles owners, fuel and on all wage earners. The fund provides for health care costs, rehabilitation, disability compensation and funeral expenses in the case of fatal motor accidents.

11.7 Occupational health and safety

Legislation governing health and safety in the workplace is part of the Labour and Employment Act 1972. In addition, an Occupational Health and Safety Bill 2001, tabled in Parliament at the time of writing, promotes the health, safety and welfare of employees at work; protects persons at or near places of work and the environment from risks to safety arising out of the activities of employees at work; and fosters a co-operative consultative relationship between government, employers and employees on the health, safety and welfare of employees at work. It also sets out specific penalties for breaches by the employer of their obligations under the Bill. Responsibility for health and safety are placed with both the employees and employers.

Under the Labour Act provision that women may not work under circumstances not suited to her physical capacity, pregnant workers would have the right to refuse any work which may be harmful to them. Common law can also be applied. Conditions in the public sector for women are relatively better than for those in some employers in the private sector. In the latter, conditions also vary from employer to employer.

11.8 Maternity and parental leave

There is no legislation which protects women from being dismissed on the grounds of pregnancy although women can apply common law or constitutional rights for protection. Paid maternity leave is provided by administrative order of the Public Service Commission for public servants for a period up to 8 weeks. This can be extended to 6 months but leave beyond 8 weeks is unpaid. Fathers can also take leave around the time of birth. Jobs remain open for women until they return to work.

In the private sector the conditions are not as clear-cut across the board as in the public service. About 90% of the private sector provide for maternity leave but only two thirds of the 90% do so on a paid basis for a maximum period of 2 weeks.

11.9 Child care and early childhood education

Informal child care is not as widespread as 10 years ago with the tendency towards more nuclear families. Early childhood education and care are still very much an NGO and church domain.. Government has entrusted early childhood education and care to NGO and churches under the management of the National Council on Early Childhood Education and Care (NCECEC). Government, through the Department of Education, provides financial assistance in the form of an annual grant to the NCECEC and negotiates donor funding for the training of teachers. Staff qualifications and training are being implemented under the aegis of the NCECEC and South Pacific Pre-schools Training program delivered under the University of the South Pacific's Extension Centre in Apia. Early childhood education teachers are required to pass the one year certificate programme. The Faculty of Education of the National University has begun to develop courses for pre-school teachers.

There are over 130 early childhood education centres around the country which are all fee paying. The level of fees vary although generally, pre-schools run privately and serving the urban community are more expensive than the rest.

With the exception of the Petrini Child Care Centre which is run by the Samoa Registered Nurse Association, there are no workplaces that provide childcare facilities at this time. With the change in family structures, the growing increase in women entering the paid labour force and the absence of adequate childcare services, it is obvious that many children up to the age of 12 are not provided supervised care after school hours. There is no network of child care facilities. Likewise, there is no legislation regulating the establishment of child care facilities. Although the extended family unit is changing, school aged children continue to be cared for by family members after school.

Equal opportunities for education and career paths exist for both men and women. The Samoa Polytechnic Gender Equity initiative facilitates the participation of women in occupations that are not traditionally pursued by women.

11.10 Participation in Unions

The active unions in Samoa include the Public Service Association, Samoa Registered Nurses Association, Samoa Teachers' Association and Workers union. In all these unions, female membership make up the majority.

11.11 Sexual Harassment and Violence in Workplace

Violence against women in the workplace is addressed under the Crimes Ordinance Act 1961. No measures have been put in place to address sexual harassment in the workplace at this time although a number of training processes and induction courses by the PSC and PSA focus on this issue.

Recommendations

- *Promote a comprehensive review of the Labour and Employment Act with particular attention to achieving equivalence in employee benefits between the public and private sector and that adequate provisions are made for enforcement. The Act should review the endorsement of employee- related terms and conditions contained in international agreements and treaties that Samoa is a party to. Of particular relevance are those safeguards and conditions relating to women and children.*
- *The Minister of Women Affairs to facilitate promote the introduction of measures to address sexual harassment in the workplace.*
- *Encourage tertiary institutions to place increased emphasis on non-formal programs, particularly those utilizing innovative or more cost-effective technologies for enabling greater access of women and youth and others that have difficulty in attending formal programs.*
- *The Ministry of Women Affairs to pursue with the Department of Statistics the coordination of reporting of labour statistics essential for it to undertake its monitoring role.*
- *Encourage establishment of child care facilities at workplaces and tertiary institutions.*

ARTICLE 12

HEALTH

(1) States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure on a basis of equality of men and women access to health care services including those related to family planning;

(2) Notwithstanding the provisions of paragraph 1 of this article States parties shall ensure women the appropriate services in connection with pregnancy, confinement and the post natal period granting free services where necessary as well as adequate nutrition during pregnancy and lactation.

12.1 Overview of health system

Samoa has relatively good education and health services, compared with the developing world generally. As a single measure of child well-being, children being a vital foundation to human resource development, UNICEF ranks the nations of the world in accord with their under-five mortality rate. Samoa, ranking 110 on this scale with 27 per 1,000, is well ahead of such countries as Thailand, Mexico, and the Philippines. For Samoa, the present rate reflects enormous strides in public health since 1960, when it stood at 210.

Community-based primary public health has a relatively long and successful history in Samoa. The National Council of Women and the Samoa Organisation for the Development of Women's Committees are the umbrella bodies for the village women's committees which have been responsible for village clinics since the 1920s. As with school committees, village clinics have been village responsibilities, with Government providing professional nursing, other medical staff, and operational support. This long partnership, with demonstrably successful outcomes has considerable future potential.

There are 33 government health facilities in Samoa and all are well spread throughout the country. The two main hospitals, one located on each of the two main islands have obstetrics and gynaecology units. There is only one private hospital in Samoa.

Antenatal care and delivery is provided free of charge in the public health system. Those electing to use private specialists have to pay for the services although all deliveries are done at the two main centres and recently at new private hospital. Follow up services for child care and maternal health are carried out by the district nurses in collaboration with the village women's health committees. The monthly clinics carried out at village level provides screening and monitoring for children and pregnant mothers, as well as family planning information and health education training. Drugs are not free. However, free drug supplies are available, for those diagnosed with non communicable diseases such as diabetes and hypertension regardless of age, and for senior citizens 65 years and older.

12.2 Health indicators

Basic health indicators depict the past decade as one of improvement, as shown in Table 12. Numerous methodological issues make one cautious about reading too much into the figures. Margins of error and annual variation due to sampling the relatively small population are never stated but obviously exist. Births and deaths are often not registered. Thus care should be taken in assuming that trends are occurring when situations are likely to be more stable than the data may indicate.

Table 12. Selected basic health indicators

	1990	1991	1992	1996	2000
Infant Mortality		19.8%			17
Life expectancy years	63	64	--	69	69
Crude birth rate (per 1000 population)	28.1	30.6	5.4	24.0	30.9
Crude death rate (per 1000 population)	4.3	5.1	4.8	4.6	6.4
Total Fertility rate					

Source: Department of Statistics, (1991-1996) Demographic and Health Survey (1999).

The data however does demonstrate that the foundation for good health has existed with minor changes during the past ten years. Samoa has a youthful population and health services have gained increasing control over infectious diseases. The nation's health is undergoing a transition to concern over lifestyle diseases, principally those resulting from dietary practices and lack of sufficient exercise.

An increasing risk factor is obesity among a larger proportion of the population. This is associated with other risk factors for good health that include hypertension, hyperlipidaemia, smoking and a decline in physical activity. Outcomes include diabetes and coronary problems that necessitate increasingly expensive medical treatment. The present situation highlights the need for further integrated health prevention programs to lower the potential for massive treatment costs in the future.

12.3 Women's health

12.3.1 General status

Women's health is greatly affected by lifestyle diseases, particularly increasing obesity and adult onset diabetes. As well, iron-deficiency in women has become a significant health problem. To reduce the incidence of these diet related diseases, the Department of Health has been vigorously promoting the multisectoral implementation as well as monitoring of the National Food and Nutrition Policy 1996. At the same time, the government is taking appropriate action to promote the importation of food items with nutritive value. E.g Iodised salt, Vitamin A.

To improve the health status of women, it is very important for government, the private sector, NGOs and village communities to acknowledge the need for greater accessibility to, and higher quality of services and management in, health care systems. As well, it is critical for health service delivery to focus on a "wellness" perspective and actively promote wellness as an asset.

Improved education and effective family planning programmes and services are crucial to improving women's health in relation to their reproductive role. Like many developing countries, the complications from pregnancy and childbirth are a major cause of death for women.

In 1994, 80% of the births took place in the hospitals while the remaining 20% were attended to by traditional birth attendants. Training programmes for TBAs is on-going in order for them to be utilized to cover most of the remote areas, especially where health facilities are inaccessible.

The main conditions causing infant deaths are intra-uterine deaths and premature deliveries.

Better nutrition is also vitally important to the overall improvement of women's health. Specific objectives of the Food & Nutrition Policy 1996 which seek to ensure that pregnant women and lactating mothers receive adequate nutrition include:

- The reduction of the incidence of under-nutrition e.g. Protein Energy Malnutrition and nutritional anaemia with special emphasis on those who are at risk. e.g infants, preschool and school children, pregnant and lactating mothers;
- Reduce reliance on imported food through increased production of local foods especially foods of high nutritive value;
- Improve national and household food security;
- Improve food quality and safety;
- Incorporate nutritional objectives into national development plans and policies;
- Promote breast feeding;
- Organize a national nutritional surveillance system and conduct research on food and nutrition problems in the country. These objectives are being realized through the implementation of the Food & Nutrition Policy 1996 National Plan of Action 2002-2004.

12.3.2 Accessibility to Health Services

Accessibility of the entire population to Health Services is 100%. Likewise, access to Maternal and Child Health (MCH) services is very well developed as MCH Services are based on a network of

District Public Health Nurses who work in close collaboration with the village women's committees.

The Maternal Child Health and Family Planning (MCH/FP) services as delivered at the Primary and Secondary levels by District/Community Nurses are well integrated into the Community through the Women's Committees of each village. This network facilitates all primary health care activities as regards Immunization, Well Baby Clinics and Ante Natal Care including Family Planning.

The average number of visits by a District Nurse to a Women's Committee under her area averages one per month.

It is noted however, that in the peri-urban and urban areas, the traditional network does not predominantly prevail. As a result, the Family Welfare Centre of the National Hospital in Apia caters for MCH/FP clients with daily Ante Natal Clinics from Monday to Friday, including two baby clinic sessions per week on Wednesday and Fridays, and four daily afternoon Family Planning Sessions on Tuesday to Friday, which include regular home visits by district/community nurses in the urban area.

Although women have in general, a 100% accessibility to reproductive health services, the Contraceptive Prevalence Rate remains relatively low at about 31%. Moreover, a leading cause of morbidity and mortality for women is complications related to pregnancy and childbirth. The incidence of breast cancer and cervical cancer are reported to be on the rise, a situation which is exacerbated by the lack of screening procedures.

12.3.3 Hospital-based activities supporting health promotion and primary health care (PHC)

Hospital-based activities which support health promotion and PHC include:

- Health Education Sessions to antenatal mothers regarding their basic hygiene and overall well-being during Pregnancy; Risks in Pregnancy; Family Planning; and Importance of Nutrition.
- Encouragement of baby breastfeeding friendly hospitals.
- Immunization of children.
- Nutrition Demonstrations & Nutrition awareness and Promotion Sessions.
- Encouragement of Physical Exercise through walking.

Ante Natal Clinics Deliveries Post Natal and Family Planning Clinics remain the most important services provided by the Health Services for women in general.

The Women's Committees, established in 1924 remain the backbone of the Primary Health Care Delivery Services in the country.

12.3.4 Policies for the Health of Women

The main health policy which dealt predominantly with Women's Health is that of the Maternal Child Health Family Planning Project(MCH/FP), as outlined in government's MCH/FP Project Request Document to UNFPA in 1995 entitled.

"Strengthening the Maternal child Health and Family Planning Programme as an integral part and a major component of the Country PHC Programme"

Its overall aim was:

"To contribute to the future improvement of the health status of mothers; children and families through appropriate and effective MCH-FP programmes and services as an integral part of the country's PHC: and to have further contributed to the achievement of a better balance between the population, sustainable development and socio-economic growth."

The same health policy and aim are continued. However, an expansion in focus has necessarily been made with the incorporation of reproductive health and sexual health as reflected in the current Reproductive Health/Family Planning/Sexual Health (RH/FP/SH) project.

Other Health Policies in place involving women are:

1) Breast-feeding Policy (1995)
2) Food and Nutrition Policy (1996)
3) Population Policy

Other current Health policies involving both genders are:

1) No Smoking Policy at the Department of Health premises (1992)
2) Tobacco Legislation (awaiting government approval)
3) Policy for HIV/AIDs 2001

12.3.5 Reforms for Provision of Health Services for Women

Further to available data from metabolic studies undertaken locally on sex aggregated health morbidity and mortality disease patterns, findings show that there is relatively more awareness and focus by health personnel on issues unique to women's health such as better screening for Diabetes in pregnant mothers, more health promotional programmes related to lifestyle disease and more reliable identification of NCD risk factors. Breastfeeding is also highly promoted.

Caring for the elderly remains the traditional responsibility of the Samoan extended families.

In the early 1970s, the Sisters of the Poor of the Roman Catholic Church in Samoa opened the first ever Home for the aged in the urban area for both males and females over 60 years who cannot be cared at home by their families. Bed capacity for this Home for the Aged is 65. As of July 1995, this Home has had a 100 percent occupancy rate; 41 or 63% being females and 24 or 37% being males. The percentages of females and males in the home represents 0.82% of the female population above 60 years (4984); and 0.49% of the male population above 60 years (4816). Of the current occupants, there are more elderly people from the urban area to those from the rural areas.

A National Council for the Elderly affiliated with the Department of Health has been established to address the needs of Samoa's elderly men and women. Additionally, a Pension Scheme under the management of the National Provident Fund provides a monthly pension of $100 as well as free medical services for all women and men 65 yrs or more years.

12.3.6 NGOs and Women's Health

The National Council of Women and Samoa Organization for the Development of Women's Committees have played a key role in strengthening member village women's committees and their contribution to women's health through collaboration with District Health Nurses.

A non-governmental organization dealing with suicide had been set up in the early 1990s called the "Suicide Awareness organization".

The Association of Traditional Healers was revived during 2000. This is a significant development for women's health in relation to the use of traditional medicine.

The establishment of an NGO "Mapusaga o Aiga" to deal with violence against women in 1992 had been another important organization which aim at addressing women's human rights as related to this social issue which impacts greatly on women's health.

In the area of Business, an NGO called Women in Business was established in the early 1990s to develop women's skills in leadership, organizational management and small business establishment and expansion.

12.4 Life expectancy

Despite the longer life expectancy of women over men, the latter outnumber women. Average life expectancy for males is 65 and for females 72.5 (2001 Census figures).

12.5 Female mortality

The leading cause of inpatient death for women is spread over a range of conditions in contrast to men whose leading cause of death is diseases of the circulatory system. Despite the fact that one of the main causes of maternal morbidity is complications due to pregnancy and childbirth, it is not a leading cause of maternal mortality.

12.6 Fertility levels

The total fertility levels have declined markedly from 5.7 in 1991 to 4.3 in 2000. (The total fertility in the demographic and Health Survey 2000 is also 4.3.) The decrease over the decade has been largely due to late marriages and delayed childbearing changing economic conditions as more women enter the paid labour force as well as increased use of contraception.

12.7 Hospital admissions

Women are more likely to be admitted to hospital than men. Most of the difference is accounted for by pregnancy and childbirth. Obstetrics admissions generally accounts for one-third of all women's admissions every year. If these are excluded, then the reverse situation applies. Women are most likely to be admitted for infectious parasitic diseases. They are less likely to be admitted as a result of accidents, alcohol use, drugs or poisoning.

12.8 Disabilities

Although women (and men) with disabilities are rehabilitated into the community, families are not adequately equipped to properly care for their needs.

About 1.3% of the total population is recorded in the 2001 Census as having disabilities, of which 44% are females. A growing number of children with disabilities are attending school both within the regular system and in the special institutions set up by NGOs. It is believed that a large number still are not catered for, particularly in the rural areas.

There has been a marked change in people's attitudes towards people with disabilities mainly as a result of public education programmes. There is now general acceptance of the disabled as fully contributing members of Samoan society. The work of the private institutions which have emphasised the ability of the disabled to be worthy members of society has helped to change attitudes and encourage families to let their disabled children to participate in programmes offered for them at the three special schools - one for the physically disabled, one for the blind and the intellectually handicapped.

The government has developed initiatives for people with disabilities. The Faculty of Education of the National University of Samoa has begun a programme of training teachers specifically for special needs education. The government also offers study awards abroad for the blind where they can get trained in the use of computers with special speech synthesisers so that upon their return they can train other blind people. Funding through aid programmes is also provided to assist with infrastructural development such as the setting up of industrial arts workshops for the deaf and mute as well as the provision of vehicles with ramps.

It is important to make people more aware of the rights and abilities of persons with disabilities through public education and awareness programs. People with disabilities must be encouraged and given the same opportunities to contribute to, and participate in, development.

12.9 Medical training

The number of women entering medical training is on the increase. Of the 30 students doing medical training at the Fiji School of Medicine and in institutions in New Zealand, 55% are females. Of the total number of doctors practising in the country, 28% are women. The two top students for medical awards for 1997 were female.

12.10 Contraception

Access to family planning is an important indicator of the potential control women have over the spacing of children and family size. Good family planning services are important for the well being of children and women and give women the opportunity to decide whether they will have children or not, when and how many. Reduced infant mortality means that women can reach desired family size with fewer pregnancies. In 1999 there was a contraceptive prevalence rate of 33% which is low compared to other developing countries. The Demographic and Health Survey 1999 indicates that some 42% of sexually active females and 20% of sexually active males use some form of contraceptive. The most common form of contraceptive is Depo Provera.

A major provider of family planning services other than the Family Welfare Centre of the Department of Health is the Samoa Family Health Association, a non-government organisation that receives most of its funding from the International Planned Parenthood Federation. Apart from providing contraceptives and contraception information, the Family Health Association offers other sexually related services such as sexually transmitted disease testing and treatment as well as counselling. There is also an Association of Natural Family Planning, run by the Catholic church.

12.11 AIDS and sexually transmitted diseases

The Department of Health as the national focal point on HIV/AIDS prevention has worked since 1987 with a number of government and NGOs to prevent the spread and monitor the management and control of STI/HIV/AIDS in Samoa.

Teenage pregnancies and emerging diseases such as HIV/AIDS and tobacco-related illnesses are on the rise and must be addressed. Mental illness and suicide are other major issues affecting women.

Anonymous HIV testing is done for pregnant women. Mandatory testing is done for migrants, people with STDs and identified people with high risk behaviours. Up to the beginning of 2001, the number of people who have died of AIDS is 7 - 5 adults and 2 infants from a total of 12 recorded HIV/AIDS cases. The surviving 5 - 4 males and 1 female are HIV positive and have not yet manifested AIDS symptoms. The National Hospital has an AIDS unit and AIDS education is the focus of many projects. Gonorrhoea and non-specific urethritis are the most common types of STDs. Of the 111 STD cases registered in 1991, 20% were females.

A global call by UNAIDS to develop strategies in response to HIV/AIDS resulted in the develop ment of the Regional Strategy for the prevention and control of STD/AIDS in the Pacific Island Countries and Territories. This in turn recommended that National Strategic Plans be developed at country level. The Ministry of Women Affairs through a multisectoral approach facilitated the development of two important documents: These documents provide the only situational analysis of Samoa's response to prevent HIV/AIDS since 1987 and a frank review of the national responses up to 1999. The "Women of Samoa and HIV/AIDS - A Situational Analysis and Response Review 2000" articulates the direction upon which the Strategic Plan 2001-2003 entitled "Responding to the Impact of HIV/AIDS on Women in Samoa" was developed. This plan is being slowly realized with assistance from UNAIDS and focuses on women specific concerns related to the disease. It has the potential to mobilize national response.

12.12 Nutrition

There are no universal statistics on malnutrition in Samoa. Generally, nutrition related problems, namely obesity and hypertension and protein energy malnutrition for children are on the rise. Women suffer more from obesity than men particularly in the 30-40 age group. A 1990 study of iron deficiency anaemia shows 2.2% male babies and 4% of female babies suffering from this condition. The link between breastfeeding and infant nutrition is clear. A Food and Nutrition Policy 1996 has received approval by Cabinet and has begun implementation with assistance from the resident United Nations specialised agencies namely FAO, UNDP, UNESCO, WHO and UNICEF.

There is currently a discussion on establishing a Breastfeeding Policy particularly its application at the workplace. The Health Department promotes these conditions through the Baby Friendly Hospital Initiatives as supported and promoted by UNICEF. Virtually all Samoan infants are breastfed at birth however supplementation of breast milk begins early and by six months most infants are weaned. Major reasons given for abandoning breastfeeding are lack of birth spacing, child adoption, lack of appreciation of the importance of breast-feeding and women's involvement in the cash economy. The Department of Health has an active campaign using the national television and the print media to promote breastfeeding.

12.13 Abortion

Abortion is prohibited by law even in the case of rape unless it is done to preserve the life of the mother. A seven year prison term is meted for the person carrying out the abortion, the victim of the abortion or anyone who assists in procuring the abortion. Although there are no official statistics indicating the extent of abortion, it is known that illegal abortions are taking place.

12.14 Cervical screening

The incidence of cervical cancer is on the rise. Often, the reluctance of women to seek help when there are symptomatic changes and the absence of a cervical screening programme result in late detection. The only private hospital in the country conducts public awareness programs on cervical cancer and breast cancer and encourages women to undertake screening.

12.15 Drug use

While more men than women smoke, there is a considerable increase in the number of women smoking. The 1996 Youth Survey showed that smoking increases with age; 2% of females in the age group 10-14 smoked as compared to 7% of males. Similarly 47% of female in the 30-34 age group smoked compared to 73% males.

Alcohol consumption levels are high, more so for men than women. As well as a health risk, alcohol abuse is a factor in road accidents and cases of violence within families especially against women. Alcohol abuse also contributes to the vulnerability of economically depressed households. The Health Department has mounted a concerted anti-smoking campaign using sports role models such as the Manu Samoa Rugby team and National Women's Netball team.

There are no statistics on the non-medical use of drugs. There have however, been convictions on possession of prohibited narcotics. Figures of Supreme Court offences for 1995 showed that 2 females out of 16 defendants were convicted for cultivating marijuana while 1 woman out of 67 defendants was convicted for possession of cannabis.

12.16 Violence against women

Violence against women and girls is an issue that is receiving much public recognition as a problem. Research by a non-government organization, the Mapusaga o Aiga, in 1995 showed that of the sample, 54% were aware of violence against women in their village and that 28% of the total sample had been victims of violence. The only legislation giving protection against assault is the Crimes Ordinance 1961. In practice, this criminal law provides little assistance to the victims of domestic or sexual violence. Arguments against the worth of the criminal law include the following:

- It is punitive rather than rehabilitative of the victim with reference to obtaining a conviction;
- There are no facilities to ensure the sensitive treatment of victims nor those to assist the treatment of the accused;
- It is difficult to get a conviction if the credibility of the victim is on the line;
- The victims will be denied economic security if the abuser is imprisoned.

Arguments for the legislation include:

- A criminal conviction carries with it the condemnation of society;
- Decriminalisation will result in reducing domestic violence to a social problem devoid of punitive force;
- There is no other feasible alternative to the punitive criminal law model.

A legal solution alone is not adequate to deal with the complexities of the problem and this poses a challenge to law makers, legislative reformers and social agencies to achieve a workable solution to the problem.

There are no women's refuges as the concept does not work in a close knit and small community where anonymity is absent. Besides, the traditional safe havens acceptable to the community are the church minister's house or that of the matai of the family. In the village community, traditional punitive measures are a deterrent on the offenders as punishment is meted out on the whole family of the offender rather than the individual. This means that the person concerned risks the wrath of the family as a result of his/her actions. Counseling for the victims of violence are carried out by various NGO groups. The Police are becoming more and more aware of the importance of providing a service for victims and the need to be sensitive about the handling of such cases. A gender sensitisation workshop for senior police officers was conducted by *Mapusaga o Aiga*. As a result, there is a marked change in attitude of police officers towards victims when a complaint is lodged. In practice, police have made it a condition that a female police officer be in attendance when questioning a victim of domestic violence or sexual abuse.

Counselling training is part of the pastoral care curriculum. The *Mapusaga o Aiga* are collaborating with the clergy in raising awareness of the laity and their spouses of the issue as they have the opportunity to provide first-hand counselling and assistance at village level.

Recommendations

- *The Ministry to continue to coordinate with NGOs the promotion of women's health underscoring the importance of reproductive health rights, sexual and reproductive health and family planning;*
- *Considering the increasing incidence of breast and cervical cancer, promote the establishment and capacity of the National Hospital to undertake screening in country;*
- *That Counselling Training be provided by tertiary institutions and made accessible to more people in the community.*

ARTICLE 13

ECONOMIC AND SOCIAL LIFE

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure on a basis of equality of men and women the same rights in particular:

a) the right to family benefits;
b) the right to bank loans, mortgages and other forms of financial credit;
c) the right to participate in recreational activities, sports and in all aspects of cultural life.

13.1 Women in the economy

Women hold a strong and effective position of power within their own social groupings in village affairs. Women are considered the dominant influence in terms of village development. The women's committees provide the energy, the drive and the staying power that often sees a village project through to fruition. While a growing number of women participate actively in the formal employment sector, as discussed under Article 11, women make up the majority of informal traders. In addition to their family and household responsibilities, women are also engaged in other income earning activities to supplement the family income. According to the 1997 Household and Income Expenditure Survey, in the 20-29 year age group, an average of 9.8 hours per week is devoted to the production of handicraft, which is subsequently used in ceremonial gifts or sold as cash.

13.2 Women in small businesses

Another significant aspect of economic participation is expressed through entrepreneurship particularly in small businesses. Most of the private sector enterprises in Samoa can be considered as micro- and small businesses. The Business Activity Survey for 1994, largely covering enterprises registered with the National Provident Fund, showed that there are around 586 such enterprises in Samoa. A more recent study commissioned by the Department of Trade, Commerce and Industry which also included self-employed people with business licenses, identified a total of 1,528 businesses, with over 80% having five or less employees. These figures are not disaggregated by gender but on the basis of assistance provided to small enterprises by organisations operating in the micro business sector, a growing number of such enterprises are run by women. The participation of women in small businesses is one of the main channels through which women enter the Samoan economy. Data from the business schemes administered by the Department of Trade, Commerce and Industry show that a significant number of businesses operated by women obtained funding for promotion, market research or training attachments between the period 1993-1996 in non-traditional areas such as manufacturing (see Table 13).

Women are the majority of informal traders. The majority of vendors in the markets selling vegetables and home-grown produce and handicrafts are women. Likewise the majority of people selling goods on the footpaths are women and children. There is no substantive data from which the size and nature of the informal micro- and small enterprise sector can be estimated, because agricultural producers do not need a business license and they are exempt from taxation. There are however, some data sources that can be used to make some provisional generalisation. It can be determined on a national level that 11.2% of all annual household income comes from the sale of products surplus to subsistence or handicrafts, and only 3.3% from their own business. Although there will be a percentage of the population who rely heavily on home grown/produced items sold as their major source of income, the implication here is that generally, Samoans do not regard the sale of home grown/home produced items as a business activity, but rather a surplus from subsistence type lifestyles.

Table 13. TCI Private sector assistance 1993-96

Industry	No. of Projects	Beneficiary Females	Males	Group
Agriculture & related services	9	5	1	3
Forestry logging	2	2		
Fishing	1		1	
Manufacture food products	10	3	7	
Manufacture textiles	1	1		
Manufacture wearing apparel	1	1		
Publishing	1	1		
Manufacture metal products	1		1	
Recycling	1			1
Wholesale trade	4		3	1
Telecommunications	1		1	
Research/development	1		1	
Other activities	16	2	3	11
Public administration	4			4
Recreational	3	1	2	
Total	**56**	**16**	**20**	**20**

Department of Trade, Commerce and Industry?

Despite home grown/home produced items not being recognized as a business activity, the 1998 Household and Income Expenditure Survey identified that on average, a household will grow/produce an excess of around 68% over and above to their household requirements which is used as either an income supplement or as gifts for cultural, religious or social obligations. Comprehensive data is not available against which a determination can be made of the nature of activities undertaken by the informal micro-enterprise sector, since there are very few organisations operating within this sector that have a cross sector approach. However, as indicated before, the main operators are women. The Small Business Enterprise centre is one such organisation with a cross sector approach in developing the micro enterprise sector as opposed to the Women in Business Foundation (WIBF), which has a specific focus.

The Women in Business Foundation (WIBF) was established in 1991 as an NGO to promote and advocate women's interests in business, stimulate small business initiatives, and provide advisory and training services for micro- and small-scale businesses in rural and urban areas. In practice, the WIBF has become an organization promoting micro-enterprise and income-generating activities by women and their families, mainly in rural Samoa.

13.3 Social benefits

Samoa does not have a state system of family benefits. Samoa is still a society with strong familial ties or links. The primary motivational force within the *faaSamoa* is to ensure that the family's best interests are maintained. Samoans learn from an early age that they share equal rights to all family resources and as such, they must use their talents and resources to support the family. If family members migrate, whether to Apia or overseas, the family support networks broaden to encompass these areas as well. In the case where family members migrate overseas, migrants remit huge amounts back to Samoa, which is a further testimony to the strength of Samoan family ties.

Also noteworthy is the fact that social security benefits exist for both men and women within the formal employment sector in the form of the National Provident Fund contributions, which is part of a super-annuation scheme and can only be withdrawn in full upon retirement or when one is physically incapacitated.

Samoa is not a welfare state. All of the benefits in terms of social security systems are available to women and men on an equal basis and membership of some funds is compulsory for all employees. Paid maternity leave for a specified period was discussed under Article 11. Sick leave is also available for all employees. In the case of accidents resulting in disability, medical expenses as well as disability compensation are paid for disability. Where work or traffic related accidents result in death, the dependants receive compensation as well as a lump sum of SAT20,000 to meet funeral expenses. A senior citizens benefit has been in operation for 4 years which entitles everyone 65 years and over to a monthly grant of SAT100. This is given out, irrespective of whether or not one had been employed formally in their economically productive years of life. Other privileges in the Pensioner's Scheme are: free medical supplies medical services in government health facilities and free local inter-island boat transportation. "Free" as used here means "user-free" where the government pays for all such services.

Insurance cover is available to both men and women. There are no compulsory health insurance schemes. However, such could be taken on a private capacity.

13.4 Loans, mortgages and credit

The main players in the financial sector in Samoa are three commercial banks, two major non-bank financial institutions – the Development of Samoa and the National Provident Fund – and a small network of about 20 active credit unions. Loans for small enterprises are extended also by a few private finance companies and a few informal types of financing arrangements. The financial sector has recently undergone comprehensive reforms and together with an open market environment and the presence of a diversity of financial institutions have increased opportunities for financing for small businesses where the majority of women operate. There are however, gaps still remaining in the kinds of financing available. Thus, commercial banks remain constrained in their ability to provide longer-term debt financing to small businesses, due to the short-term nature of their deposit products. In addition, due to the nature of the land tenure system in Samoa, where over 80% of the land is customary land, commercial banks often have a problem in obtaining satisfactory security. Subsequently, there is an unmet demand for microfinance services especially for informal financial services for low-income households and people in rural areas who have limited access to formal financial services.

Where micro-financing has been available, financial institutions generally, have experienced that women have a better repayment record than men. Micro enterprise development is the main focus of the Small Business Enterprise Centre set up under the New Zealand Development Assistance program for Samoa. Half of the Board of Directors of SBEC are women and the Centre works closely with the Women in Business Foundation and Ministry of Women Affairs to ensure that the outreach of assistance programs through business training covers the rural areas.

Micro-credit schemes for women's activities have been established both by the Ministry of Women Affairs as well as the Women in Business Foundation. Currently the Ministry is looking at policy development to cater for the needs of women in micro-enterprise and the current arrangements where a business licence is required for all businesses regardless of scale.

As in other countries throughout the world, Samoan women experience problems accessing credit because they do not always have collateral to secure loans. Out of this need to make finances more accessible for women, a number of loan schemes have since been made available to Samoan women.

According to a report produced by the Pacific Regional Equitable and Sustainable Human Development Programme in 1995, general findings of the aforementioned loan schemes were:

- The schemes did not have clear systems for the delivery of loans. In some cases, organisations were given the task of disbursing loans and have, as it were, started from scratch, preparing their own documentation and systems. The lack of clear systems resulted in poor repayment records, made chasing repayments a burdensome task, and resulted in some borrowers taking advantage of more than one scheme.
- The assumption has been that women know how to run businesses, budget and market their goods. Yet there has been little business training to support the loans once these are given.
- The schemes were not catering to the needs of rural women, or vulnerable urban women.

The situation has changed considerably since then, due to the joint efforts amongst the Ministry of Women Affairs, the Women in Business Foundation, the Small Business Enterprise Centre and the financial institutions.

13.5 Sports and recreation

Women and men participate equally in sports throughout the country. In 1994, the government undertook to set up sports facilities at selected rural sites that cater for both men's and women's sports. All of the 8 sports codes promoted in the schools are available to both boys and girls. Rugby and netball are two codes that run a joint development programme for all schools so that boys and girls participate together. Netball which used to be an exclusively female sport has a large male following and this is further promoted through including mixed teams of both men and women. This has been useful in that men have learnt that this sport for women required exactly the same if not higher technical skills, agility and physical fitness than say rugby.

All codes have mixed membership. The only area where societal attitudes reflect a bias in public support, is in rugby. National ranking of popularity of sports codes shows rugby to be at the top followed by netball, although soccer is fast becoming a popular sport for both men and women following the completion of an international standard football field. These three codes have the advantage of participating and being ranked internationally thus gaining in stance over other codes in terms of public relations. The government has been supportive of all codes although not at the same level.

The Samoa Association of Sports and National Olympic Committee (SASNOC) is the non-governmental umbrella body set up for the interests of all sports in Samoa. Thirty-eight sports are affiliated to SASNOC of which 11 are usually represented by women. SASNOC's Council currently has 40% representation by women. This reflects the growing participation of women in sports previously the domain of men such as body-building, weightlifting, boxing, judo, taekwando, cricket and canoeing. The promotion of sport as an economic as opposed to a leisure event has also boosted participation.

13.6 Cultural life

There are no barriers which prevent women from participating in cultural life. Because of the traditional hierarchies, women know where they fit in society and the roles they are expected to play. The play a major role in family decision making processes, the preservation of cultural skills, practices and etiquettes, and production of traditional wealth. Women are the key players in the continuation of family lineages, through their reproductive capacities. Women have also excelled in the visual, performing and literary arts much more than men.

The School of Fine Arts belonging to the largest church denomination in the country offers tuition in drawing and painting, sculpture, ceramics and weaving. An equal number of women as men enrol at the School. There are three art galleries, one of which is owned by a woman who offers courses in the above mentioned areas for both local as well as international students. She is also the driving force behind drama groups including the Silent Theatre for the deaf and mute as well as creative and contemporary dancing.

Women also feature prominently in the literary arts. An equal number of women as men have had their works published and won international awards. An anthology of Samoan women writers is currently being prepared by two women. The only novel written and published by a woman won the Commonwealth First Book award for 1997.

Recommendation

- *Continue the promotion of provision for micro-credit availability for women.*

ARTICLE 14

RURAL WOMEN

(1) States Parties shall take into account particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families including their work in the non monetised sectors of the economy and shall take all appropriate measures to ensure the application of the present Convention to women in rural areas.

(2) States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure on a basis of equality of men and women that they participate in and benefit from rural development and shall ensure to such women the right:

a) to participate in the elaboration and implementation of development planning at all levels;
b) to have access to adequate care facilities, including information, counselling and services in family planning;
c) to benefit directly from social security programs;
d) to obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as inter alia, the benefit of all community and extension services in order to increase their technical proficiency;
e) to organise self help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
f) to participate in all community activities;
g) to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as that in land resettlement schemes;
h) to enjoy adequate living conditions particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

14.1 Background

About 78% of Samoa's population live in the rural areas 48% of which are women. Rural women constitute about 78% of the total female population. Rural is here defined as the areas outside the Apia urban area. Rural women are highly organised with the traditional social hierarchy playing a major role in organisation throughout all spheres of rural life and with links extending to the urban centre once families migrate internally. In Samoa, the distinction between urban and rural women is not definitive mainly because of its geographical disposition which makes communication and links easier to establish. As well, services received by those in the urban area cover those in the rural areas. The only clear difference is that those in the rural areas are traditionally tied and governed by the laws of the village community whereas those in the urban area do not have to live under such conditions of conformity. Not all rural women are aware of their rights under the CEDAW. The Ministry of Women Affairs in collaboration with the CEDAW Partnership coordinate activities to make women in rural areas aware of their rights.

14.2 Activities of rural women

Rural women in Samoa are involved in many activities. Like many of their urban colleagues, they are first and foremost homemakers. Many have regular paid employment in the urban area. Those who do not have regular paid employment are mostly engaged in unpaid family activities on family plantations mainly for subsistence and where there is surplus, women are most likely the ones involved in the marketing of such products. As well as ensuring the well-being of families, they are also involved with community work such as maintaining hygiene and sanitation standards in the village. These standards are sustained through active involvement in a HHHV initiative, a nationally coordinated programme of the Ministry of Women Affairs and partners like the Department of Health. Women organise monthly health clinics that are conducted in collaboration with public health nurses who visit to monitor health standards at village level particularly those of mothers and children. In relation to health clinics, the women under the umbrella of the village women's committee hold collective handicraft production sessions for family as well as community use. The women are also the main players in fund raising activities for community projects such as building churches, health centres and schools. In relation to the church, they are responsible for organising church gatherings. Some women on top of all their many involvements in the village may also participate in income generating activities to raise cash for family needs or for community obligations which take up a huge proportion of family savings from time to time.

14.3 Participation

In the authority systems within the village structure, women play an important role and are responsible for the decision-making in the areas that they deal with Where they hold matai or chiefly titles, women sit in the village council and participate in the village council decision making process on matters pertaining to village administration development, maintenance of law and order, conduct of village people and violations of village rules and regulations. Where they own farms in their own right, they can then join the Farmers' Association which provides advisory services to the Ministry of Agriculture Forestry and Fisheries from time to time. The Flower Growers' Association members are predominantly female and has worked hard to secure export markets for tropical flowers. Rural women are directly responsible for the decision making of the "village of women".

14.4 Access to health care

Accessibility of the population to health facilities is 100% which the Health Department attributes to the 36 health facilities spread throughout the country. However, rural health facilities are largely community funded and managed, with government providing professional staff and some supplies. While doctor-patient ratio in Samoa are reasonable by world averages, there are significant variations between rural and urban areas. Some of these differences reflect 1) the expensive curative services centralised at the national hospital, and 2) the relatively easy acces by people in the rural area to services provided at the National Hospital as well as those of private doctors in the urban area. Rural Health programmes are very much under-resourced. For example, in 1992, the rural population of 80% was served by nine doctors, while 45 medical doctors were stationed at the National Hospital Only one private practice is located in the rural areas. In addition, many rural health facilities are in very sub-standard condition, including few supplies or equipment for the vital community health education role they are expected to play. The distribution of nurses between rural and urban areas is more equitable. There is however, a shortage of dentists such that only one resident dentist is placed outside the national hospital. To try and ensure nation-wide coverage in these services, the Department of Health as well as the Samoa Family Health Association conduct mobile clinics in the rural areas from time to time to address any immediate problems. Serious cases are referred to the national hospital.

Priority is now being given to upgrading the rural health services. First, a rebuilding programme has been approved, and rural communities have agreed to meet 25% of these costs. Second, the Australian government has donated the base stations, 3 invert V aerials and mobile stations for the upgrading of the radio telephone systems which are the major communication between Upolu's 19 rural health facilities, the 13 in Savaii and the National Hospital. The base stations will replace the obsolete stations, while the mobile stations will enable more of the Department vehicles to be contacted at any time. Third, under an Australian funded project rural facilities are being equipped with computers so as to facilitate local record keeping, and prepare records in a format which is easily fed into national records for efficient management. These improvements must be supported by adequate and appropriate staffing levels to ensure that rural facilities operate as fully-fledged medical centres. In addition, there is also a recognition of the important role played by traditional healers in the provision of health care and alternative medicine. Traditional healers are an important part (and common fabric) of the Samoan society providing alternative care throughout the country. Recently, traditional healers have formed an NGO, *Taulasea Samoa.*

Women's committees play a key role in organising health related programmes for women, and monitoring village sanitation and health standards. If national standards are to be maintained, women's committees really need the committed support of health professionals, including nurses or health inspectors to aid them in this more complex task today.

Maternity services are available in the rural hospitals. Because some women opt to be attended by a traditional birth attendant (TBA), a national programme is carried out to re-train TBAs and to provide them with basic medical kits to assist them in their work. With easy access to the national hospital more and more women in the rural areas are opting to give birth there. Family Planning services for rural women are available through the same infrastructure that reproductive health services are provided.

There are considerably more older women in the rural areas than in the urban areas. Because Samoa is a communal society, there are few, if any, older women living alone because traditionally, the elderly are the honoured and respected leaders of Samoan families. The quality of life for some elderly may be at risk however, due to increasing cost of living and high dependency ratios. While most rural families would care for the elderly, there is a growing tendency now for some to send their elderly to a Catholic Home for the Aged.

A Policy Paper on the Care of the Elderly has recently been approved by Cabinet.

A National Council on the elderly has been established to address the needs of elderly women and men. A Policy paper on the care of the elderly submitted by the National Council has been submitted by the Council to Cabinet for approval.

14.5 Social security

Social security benefits through the Senior Citizens pension exist for rural women as for those in the urban area. This scheme has become an important aspect of financial independence for the elderly. Other benefits do not extend to many of the elderly in the rural areas because they do not work within the formal sector of employment.

14.6 Training and education

Programmes run within the villages by the Ministry of Women Affairs, and other government departments and NGOs are usually the only source of training and education for many rural women. The Women's Committees are responsible for village health and welfare. These groups organise the monthly health clinics run by the District Health Nurses; monitor family sanitation and hygiene standards and make sure village water supplies are kept free of debris; encourage families to grow vegetables for good nutrition, promote the planting of *ua* (bark of the mulberry tree*)* and panadanus for handicrafts production and fundraise endlessly for village assets. A large number of committees affiliate to the National Council of Women (NCW), which was formed in 1962 with the intent of linking women's committees nationally in much the same way as the Parliament of the newly independent nation was unifying the village councils of chiefs. Many others affiliate to the Samoa Organisation for the Development of Women Committees established in 1989 while others prefer to confine their activities to village level.

Non-government organisations have also been instrumental in providing training and education to rural women. While some NGOs function at a village or national level, general in purpose or issue-specific, NGOs in Samoa have proven to be extremely successful and effective in initiating training and awareness raising programmes for women. The Small Business Enterprise Centre in collaboration with the Women in Business Foundation and the Development Bank are focusing more on rural women for business training in order to encourage the establishment of micro-enterprises. In late October, 1997, the Department of Agriculture conducted a workshop for extension officers on gender sensitisation which highlighted the importance of including women farmers in extension efforts and how to take a gender sensitive approach to planning and implementing extension activities.

The Ministry of Women Affairs conducts a variety of Community Development training and education on issues highlighted in CEDAW. These include: Women's Rights, Discrimination Violence against women, Women in Political and Public life, Women's Health, Education and Employment to name a few. Upskilling training are provided for the village women and unemployed young women. Training opportunities are also offered to all working women.

Sports development and recreational programs are planned for the village communities at large and not restricted to the schools in the rural areas.

14.7 Co-operatives and community activities

More rural women than men have been active in pursuing co-operative ventures for the sale of their products particularly handicrafts and more recently agro-processed products such as honey and coconut oil. Under these co-operatives, some have organised the establishment of credit unions as a source of credit for expansion of activities. Credit can also be obtained for agricultural production from the traditional financial institutions which have centres operating in the rural areas as well as from other donor programmes on a subsidised basis. Moreover, rural women have worked to ensure that they have access to appropriate technologies which they can manage and maintain such as those for the Direct Micro-expelling Technique used to extract coconut oil from fresh coconuts.

Although agriculture provides the main source of income for rural families, many households still rely on remittances from relatives who have migrated and settled abroad. Policy statements for sub-sectors in agriculture including women in development are being developed.

Women can hold title to land as discussed in Part I. Their title to land derives from their connection to the chiefly title the holder of which is responsible for allocating land to members of his extended family to work on. The Agricultural Census of 1999 estimated that an average household owned 9 acres of land. A quarter of the households, mostly urban based, owned less than the minimum acreage from which a household can derive its livelihood. Land reform has been discussed only with regards to a system to ensure that 80% of land which is customary owned can be used for productive purposes. As well, huge tracts of land which had been under the Samoan Trust Estates Corporation has been subdivided and sold to the public as freehold land. In this instance, women can buy and own land on their own.

Church and Women's groups run the pre-schools scattered in the rural areas. Most of the trading stores in the rural areas are co-owned with the husband or a family ventures run by women.

14.8 Living conditions

The standard of living for rural women is reasonably high. With national electrification, roads, telecommunications and 82.9% of the population receiving a reliable source of water supply, there are very few differences in the way of living of urban versus rural women. Equitable distribution of services is ensured by way of a good public transport system throughout the country such as health services, banking facilities and educational facilities. Housing standards are good, as all families own homes. The planning of such services in the rural areas is discussed at the village council level and the decisions relayed to all the different strata of the village hierarchy. There are different windows for any feedback should the decisions not be in the interests of everyone. There is greater consultation of women in matters to do with women's roles as related to family well being.

Most of the infrastructural systems when introduced to the rural areas did not take account of the socialising aspects of facilities that had been there before. For instance, piped water systems lessened the time taken by women and children to fetch water but also took away the opportunity for women to socialise when they meet at the village pool to wash and draw water. Women however, have re-established this socialization by continuing to bathe in the village pool.

Recommendations

- *In recognition of the successful history of grassroots participation of women in health and education in the rural areas, measures to sustain and enlarge the processes for integration of women's work in the rural areas into national development strategies in the fields of education, health and micro-enterprise is to be promoted.*
- *Encourage distance education to allow rural women to access further education.*

ARTICLE 15

EQUALITY BEFORE THE LAW AND IN CIVIL MATTERS

(1) States Parties shall accord to women equality with men before the law.

(2) States Parties shall accord to women in civil matters a legal capacity identical to that of men and the same opportunities to exercise that capacity. They shall in particular give women equal rights to conclude contracts and to administer property and treat them equally in all stages of procedure in courts and tribunals.

(3) States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

(4) States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose residence and domicile.

15.1 Women's legal status

The Constitution of Samoa accords all persons within Samoa as equal before the law and entitled to equal protection under the law. The Samoa Act 1921 also addresses the rights and legal capacity and status of married women as being no different from that of unmarried women. The provisions of the Crimes Ordinance 1961 are the same in respect of men and women except where necessary in sexual offences. The range of punishments and sentences provided in the statutes for criminal offences are the same for men and women. Women are always competent to give evidence in court and neither spouse is compelled to give evidence against the other.

Women and men are eligible to serve on juries except where they are mentally incapable or have a physical disability which precludes them from serving. Women are also eligible to qualify and practise as lawyers. There are currently 55 registered financial members of the Law Society of which 45% are women. Women lawyers are well dispersed over various departments, corporations and public bodies including the Department of Lands, Survey and Environment, Ministry of Agriculture, Forests Fisheries and Meteorology, Samoa Water Authority, Justice Department, Attorney General's Office, National Provident Fund, Treasury and Public Service Commission. The Offshore Finance Centre is headed by a female lawyer whose staff includes another female lawyer. About 50% of students studying law are women and the graduating class of 1997 saw 12 lawyers returning, half of whom are women. The current Attorney General is a woman. As mentioned earlier, the first woman judge was appointed to the Land and Titles Court in 1993.

15.2 Civil law and contracts

Women have an identical legal capacity to that of men in all civil matters.

Legal aid is available to low income earning criminal offenders. There is currently no Public Prosecutor in Samoa. Maintenance issues are dealt with in the Courts by a Maintenance Officer.

Women have the same contractual capacity as men to enter into contracts and to buy, own and sell land and property. There is no legislation which denies a woman the capacity to contract with any parties. Women may own land in their own name, act as guarantors and assume liabilities as their male counterparts. The only restricting factor to a woman's ability to contract is the lack of an independent source of income.

No procedure of the courts or any similar tribunal discriminates against or treats women differently to men. A woman is considered competent to give evidence, to appear as a witness in court proceedings or act as a juror. Similarly in the Land and Titles Court, women may lead their families in the presentation of their submission to the court. This court restricts lawyers appearing as legal representatives.

Clubs that have exclusive male memberships are those originating from outside the country such as the Rotary and Lions. Some headway has been made with the acceptance of 1 or 2 female members into the Rotary Club.

15.3 Movement and domicile

As discussed under Article 9 in relation to naturalization of female foreigner under Section 7 of the Citizenship Act 1972, the provision is more favourable to women. Foreign male spouses do not have the same rights to citizenship as their female counterparts. Traditionally, when a woman marries, she is expected to move to her husband's family. The common practise however, is based on the decision by married couples to choose from 3 alternatives:

1. live with husband's family
2. live with wife's family
3. live in private or rental accommodation

Children irrespective of gender are expected to stay with parents prior to marriage. Only in the urban areas would one find individuals living away from parents in rental or private accommodation and a growing number of single employed females are choosing this form of domicile. There are no legal restrictions to the movement of or domicile of men or women although customary law may impose such restrictions.

Samoa men and women have equal opportunities and capacities to move and live with any extended family of his/her choice.

ARTICLE 16

MARRIAGE AND FAMILY LAW

(1) States parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure on basis of equality of men and women:

a) the same right to enter into marriage;
b) the same right to freely choose a spouse and to enter into marriage only with their free and full consent;
c) the same rights and responsibilities during marriage and its dissolution;
d) the same rights and responsibilities as parents, irrespective of marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
e) the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
f) the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children or similar institutions where these concepts exist in national legislation; in all cases the interests of children shall be paramount;
g) the same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
h) the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

(2) The betrothal and the marriage of a child shall have no legal effect and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

16.1 Family characteristics

The concept of family in the Samoan context goes beyond the nuclear family to include extended family members. Family arrangements are thus complex and multifaceted and a married woman may be affected by the decisions of men and women in her spouse's extended family as well as her own. A significant number of families now operate as nuclear units but come together as an extended family on special occasions such as weddings and funerals. Census data for 1991 indicates that 18% of the population is classified as no longer living under a family *matai*. These changes suggest a reduction in the daily support systems on which less fortunate family members have always relied.

It is uncommon for a man and woman to live together as man and wife without formalisation of the relationship through civil law. This does not mean that it does not happen although there would be considerable pressure from society, particularly the families against it. De facto relationships usually end up in marriage after a number of children as the churches usually promote legitimisation of marital status. As in many other countries there are a number of children born out of wedlock as evidenced from the recognised problem of teenage pregnancies. These children are usually looked after by the woman's family. Teenage pregnancy still carries a stigma particularly in the rural areas and there are usually concerted efforts to marry off the girl at the earliest opportunity for fear of recurrence of the situation which would incur punishment by the village council of the family involved, usually that of the girl. Infanticide rates are not known. A privately run centre known as Adoptus Centre was set up in 1995 to provide support for women with unwanted pregnancies.

The 2001 census notes an increase in the number of female headed households of 1.2% over the ten years between censuses. The greatest increase is evident in urban village households were husbands have gone ahead to establish residence abroad with the family following.

16.2 Entry into marriage

Women and men have the same right to enter into marriage. The choice of a marriage partner is an individual matter for women and men. In the past, customary marriages were arrangements between families for chiefly alliances and may not have involved consent of both spouses. When women were widowed it was not difficult for them to enter into another marriage particularly if she was of high lineage status. The Marriage Ordinance 1961 directs that marriages are void if performed in the absence of a marriage officer and that all marriages must be registered. Any form of bigamy or polygamy is also illegal. Adultery is also a criminal offence under the Crimes Ordinance 1961.

The age of consent in civil marriage is different for boys than for girls. Civil marriage is prohibited for boys below the age of 18 and for girls under 16. The trends are changing with women particularly marrying late at 24 in 1991 and 27 in 1993 compared to 31 and 27 respectively for men. Of the 2,020 registered marriages in 1995, more people were getting married at the age of 30 and over. Marriage is almost universal and anecdotal evidence suggest that more couples are marrying now rather than living in de facto relationships.

The choice to marry is never based on the legal consequences of marriage. Most men and women would not base their choice on the legalities of marital property regimes or the effects of ante-nuptial agreements if any exist.

16.3 Rights and responsibilities

Each spouse is entitled to own and hold property in her or his own right during the marriage and to deal with it as she or he wishes. If the parties separate, either party may apply to the court for determination of the rights of the wife and husband to the property which was acquired during the marriage. Alternatively, the parties may enter into agreement regarding respective rights to matrimonial property, custody and maintenance. No current legislation exists regarding matrimonial property and the courts rely on the common law and precedent to determine the rights of each party.

The dissolution of marriage according to the Divorce and Matrimonial Causes Ordinance 1961 can be made on the following grounds and a petition for dissolution can be made by either spouse:

- adultery
- desertion without just cause for 3 years or more
- being the husband, has been a habitual drunkard for 3 years or more and has either habitually left his wife without sufficient means of support or habitually being guilty of cruelty towards her
- or being the wife, has for a period of 3 years or more being a habitual drunkard and has habitually neglected her domestic duties
- conviction of attempting to murder the partner or child or a conviction of murder
- insanity which is pronounced incurable
- both parties have lived apart for not less than 5 years and are unlikely to reconcile
- if the husband has been guilty of rape or of sodomy or of bestiality
- if either partner has been convicted of any crime and has been sentenced for a term imprisonment of at least 7 years.

The dissolution of marriage is based on the principle of proving the "fault" of the other party viz. a vis one party is required to prove the other's adultery, cruelty or desertion. This "fault" based system is archaic and requires review. Women who base a petition for divorce on the grounds of habitual cruelty, or habitual drunkenness, are required to prove that it has been occurring for 3 years prior to the lodging of the petition for dissolution. Such a provision implies that women should tolerate habitual cruelty for up to 3 years before dissolution can be granted. Consequently, women suffer more often than men do in this regard.

The law and situation of women regarding domestic violence is discussed under Article 12.

16.4 Parental rights and responsibilities

Where a child is born to a married woman either spouse can register the birth. On the other hand, under Section 16 of the Births and Deaths Registration Ordinance 1961, if a child is born out of wedlock, the Registrar shall not register the name of the father unless on a joint request by the mother and father. Both parents are guardians of their children during marriage and are both entitled to custody. This is also applied to a couple living together but unmarried. Where parents are not married or living together, the father can apply to the courts for guardianship.

If parents separate each can apply for custody of the children if the issue cannot be settled out of court. Under these circumstances the welfare of the child is paramount in custody decisions. Where a parent has not been granted custody, the non-custodial spouse has to apply to the Court under Section 6 of the Infants Ordinance 1961 to determine access rights. Custody is usually granted to mother. However, there have been cases where this decision has been in favour of the father.

The Infants Ordinance 1961 states that if a child is put up for adoption, consent of both parents is required by law even if the parents are unmarried. In instances where the whereabouts of the father is not known, or in exceptional cases, the consent may be dispensed with by the court.

Regardless of whether a child is born inside or outside a marriage both parents are expected to contribute towards child maintenance in proportion to their financial resources. Maintenance courts are used mostly by women seeking maintenance for their children from their fathers. Of the 28 court cases for unpaid maintenance conducted in the magistrates' courts in 1995, one was against a woman and 27 against men. There are no welfare benefits for single parents who have care of a child.

16.5 Family planning

Men and women have equal access to family planning information, education and technology. Legally any woman or man can give her or his consent to be sterilised. However, it is a policy of the Health Department that a woman is not allowed to have tubal ligation unless she receives the consent of either the husband or the father. In practice, the responsibility to use contraception is vested in the woman although in many cases she would prefer to have her husband's consent. Details on fertility, contraception and abortion have been discussed in detail under Article 12.

Family planning services are provided primarily to improve maternal and child health. The focus is on planning rather than limiting numbers. This includes birth spacing and planning for affordable family sizes. Provision of family planning information and services occurs through the Department of Health and NGOs, including the Samoa Family Planning Association and the Fiaola Clinic at Mulivai. The table below shows the number and percentage of users by method in 1988 and 1992.

Table 14. Percentage of users by contraceptive method

Method	1988		1992	
	No.	%	No.	%
Depo Provera	2 098	55.4	2 393	43
Oral	781	20.6	1,307	23.5
IUD	727	19.2	730	13.1
Tubal ligation	195	5.1	565	10.1
Condoms	18	0.5	540	9.7
Rhythm			33	0.6
Total	3,787	100	5,568	100

Source: Health Department.

The Department of Health and the Samoa Family Health Association are the major providers of family planning services, which are extended to the whole country. Some problems arise with regard to accessing contraception. The main providers to women and girls 16 years and over who have not had children and are not married is the Family Health Association. In some quarters there is still the belief that contraception encourages promiscuity, limit families or leads to infertility.

Public education is still needed to dispel many misunderstandings about contraceptive use. Both the Health Department and the Samoa Family Health Association have been conducting regular meetings/training workshops throughout the country in family planning. As well, population education is part of the curriculum at secondary level. Advertisements depicting the woman as subservient to the man in matters to do with contraception have been taken off the market.

16.6 Guardianship, wardship and trusteeship

Under the Infants Ordinance 1961, persons other than the parents can apply to be appointed guardian of a child in place of a child's parents. A parent cannot be deprived of guardianship unless there is a grave reason why the parent is unfit to look after the child or is unwilling to do so.

Any person can apply to have a child made a ward of the court and the court is required to give the welfare of the child first and paramount importance in its decisions. Sometimes when there is difficulty in deciding who to award custody of a child to, the court may decide in the best interests of the child to appoint guardianship.

Men and women are equally eligible to become trustees in respect of the property of children or to become guardians of the children whose parents have died. A parent may appoint a guardian for her or his children by will or by deed.

Children who are in need of care and protection because they are at risk of physical, emotional or sexual harm are dealt with under the Infants Ordinance 1961. This legislation requires that children and young people must be protected from harm, their rights upheld and their welfare promoted. There is recognition of the family as an important unit to the development of the child hence in the case of incest, the perpetrator is usually removed from the family. Applications to the court to have children placed in care are usually made on the recommendation of the Police based on investigations during the course of any proceedings in consultation with the Justice Department.

16.7 Adoption

Two spouses may jointly adopt a child. An application to adopt may be lodged by the mother or the father either alone or jointly with his or her spouse. Single parents can also adopt infants. This is quite common in the case of babies that are abandoned at birth at the national hospital who are then put up for adoption. There are a lot of adoption practices that are made outside the legal framework as it is quite normal in the traditional customs to informally adopt children, in particular those who have been in the care of grandparents since birth. The adopted child is informed of his or her natural parents but the child usually opts to remain with the adopted family. In most cases the adoptive family are relatives and it is an honour to be able to have an *aiga vaetama* or traditional adopted family. The adopted child has inheritance rights as if she or he was a child by birth.

The majority of adoptions are lodged by Samoan residents overseas who apply to adopt children from within their extended families in Samoa. Adoptions may be lodged by single persons however the court gives serious consideration to the ability of single persons to provide financially and full-time care thus ensuring that the welfare of the adopted child is considered as a priority.

16.8 Family name and occupation

It is customary and a woman's common law right to take her husband's surname upon marriage, however it is not a legal requirement. The new generations of well educated females who have entered marriage often choose to use their natal names or as is commonly the practice now to use both her surname and spouse's name. Some women are also passing on their surnames to their children. This practice began in the colonial times when families of women of European descent let their children use their surnames in order to get them into military services and even educational institutions.

On the dissolution of a marriage, a woman is free to revert to her previous name if she so chooses. A deed poll is not necessary to effect this. Common law provides that it is the right of a woman to use her husband's title and surname. There is no legislation restricting women from being known by their own names. There are no legal differences between spouses regarding choice of profession or occupation.

16.9 Property rights

Women, single or married, are not precluded from owning, managing, acquiring or disposing of land either by gift or for valuable consideration. The disposition of matrimonial property may be determined by the court which is guided by both common law and precedent. No legislation presently exists for determining the division of matrimonial property in the case of divorce. Where a couple enter an agreement to separate, both are required to mutually agree on the division of property.

Separate property owned by an individual spouse or property bequeathed or inherited by one spouse may become "matrimonial property" where the court determines that it has in the course of the marriage become matrimonial property.

Upon the death of a husband, the widow may acquire property if the husband has bequeathed it to her by will or testamentary disposition. Where a spouse dies intestate, the disposition of property is determined by the Administration Act 1975 which states that the legally married spouse is entitled to one third of the estate property with the remaining two thirds to any children of the marriage. If there are no children, a surviving wife is entitled to the whole estate.

While the Public Trustee handles any estate referred to it, beneficiaries may choose to refer the deceased's estate to a private practitioner for administration. With regard to children, both male and female children are equally capable of inheriting land and property.

16.10 Minimum age for marriage

Under the Marriage Ordinance 1961, the minimum age of marriage for males is 18 years and 16 years for females. However, a marriage officer is not permitted to marry any man under the age of 21 years or any woman under the age of 19 years without the consent of a parent or guardian. All marriages must be registered.

Recommendations

- *Petition a comprehensive review of the Divorce and Matrimonial Causes Ordinance 1961 with the objective to reviewing the "fault-based" system for dissolution of marriage and to remove discriminatory references with respect performance of women's domestic duties.*
- *Petition a review of the Marriage Ordinance 1961 with the objective of providing equal treatment of both sexes with respect minimum age of marriage with and without parent/guardian consent.*
- *Publish pamphlets in English and Samoan to educate all women on their legal rights.*

INFORMATION AND PUBLICITY

The United Nations Pacific Conference on the Convention held in the Cook Islands in 1991 was the first opportunity for women from a number of organisations to be informed of the Convention. Following that Conference, the country representatives returned and recommended to Cabinet that Samoa be a party to the Convention given also the prior establishment in 1990 of the Ministry of Women Affairs whose work would, to a large extent, focus on the implementation of the Convention. In September 1992, Samoa ratified the Convention.

The Convention needs to be published in the vernacular so that a wider outreach can be achieved. The Ministry of Women Affairs and other NGOs have conducted workshops on specific articles of the Convention. First and foremost is the necessity to educate and make women and men aware of legal rights. Legal literacy is an area promoted by both the national machinery and NGOs such as the *Mapusaga o Aiga*. The Economic and Social Commission for Asia and the Pacific have designated *Mapusaga o Aiga* as the NGO focal point for promoting CEDAW activities particularly those to do with legal literacy.

There are already NGOs whose work focuses on the broad areas covered by the Convention articles where they fall within their objectives and activities such as Women in Business Foundation, the Women's Wing of Workers Unions and the umbrella bodies for the women's health committees. They should, in association with the Ministry of Women Affairs, design strategies to address gaps in the implementation of the Convention.

This report should provide an impetus for publicity and public awareness of the Convention. It should be made public and must serve as an introduction to all workshops where the focus is on activities in which women play a key role.

The Ministry must be proactive in recommending for legislative review as appropriate and this can be done at the same time it is reporting on the Convention on the Rights of the Child. It must also make use of the opportunity when public interest is high to promote the Convention. In a recent meeting on human rights coordinated by the UNDP, the Deputy Prime Minister on the issue of gender equity, quoted that the greatest challenge to the advancement of women in political life are the cultural "chains" and mindsets that hold back women themselves. If women and men were able to move beyond these mindsets, women would indeed excel as they do in a lot of other fields. As the former Minister for Health, the Minister was quoted as condemning employing organisations that did not accord women workers their rights for maternity leave and opportunities to breast-feed children. A follow up publication on the relevant articles would have added emphasis to the issues covered under the Convention and application at national level.

ACRONYMS

CBO	-	Community Based Organisation
CCCS	-	Congregational Christian Church of Samoa
CEDAW	-	Convention on the Elimination of All Forms of Discrimination Against Women
CRC	-	Convention on the Rights of the Child
FAO	-	Food Agriculture Organisation
GDP	-	Gross Domestic Product
HHHV	-	Healthy Home, Healthy Village(programme)
HIV/AIDS	-	Human Immuno Deficiency Virus/Acquired Immuno Deficiency Syndrome
MCH/FP	-	Maternal Child Health/Family Planning(MCH/FP)
MOA	-	Mapusaga o Aiga
MOWA	-	Ministry of Women Affairs
NEMS	-	National Environment Management Strategy
NCECEC	-	National Council on Early Childhood Education and Care
NGO	-	Non Government Organisation
NPF	-	National Provident Fund
PEM	-	Protein Energy Malnutrition
PSA	-	Public Servants Association
PSC	-	Public Service Commission
RH/FP/SH	-	Reproductive Health, Family Planning & Sexual Health
SASNOC	-	Samoa Association of Sports and National Olympic Committee
SAWG	-	Samoa Association of Women Graduates
SRNA	-	Samoa Registered Nurses Association
STA	-	Samoa Teachers Association
STD	-	Sexually Transmitted Diseases
TBA	-	Traditional Birth Attendant
UNDP	-	United Nation Development Programme
UNESCO	-	United Nations Educational Scientific and Cultural Organisation
UNICEF	-	United Nations International Childrens Fund
WAC	-	Women's Advisory Committee
WHO	-	World Health Organisation
WIBF	-	Women in Business Foundation

APPENDIX

SOURCES OF INFORMATION

Consultations

There was wide consultation with individuals, a range of government departments and private sector organisations some of which are listed below:

Department of Education, Department of Health, Department of Labour,
Department of Agriculture, Department of Trade, Commerce and Industry,
Department of Statistics, Department of Justice, Ministry of Foreign Affairs,
Attorney General's Office, Ministry of Youth Sports & Culture, Ministry of Women Affairs

Non Government Organisations

Family Health Association, Mapusaga o Aiga, Small Business Enterprise Centre, Public Servants Association, Samoa Registered Nurses Association, Flower Growers Association

Women's Non Government Organisations

National Council of Women; Samoa Organization for the Development of Women's Committees; Church Women's Fellowships;(CCCS, Catholic Church, Methodist Church, Latter Day Saints, Nazarene, Seven Day Adventist, Bahai, Women in Business Foundation; Samoa Association of Women Graduates; Young Women's Christian Association

Community Based Organizations

Village Women's Committee, Village Women's Groups

CEDAW Partnership

Government Departments: Justice, Police, Prisons and Fire, Labour, PSC, MOWA, Education, Treasury, Office of the Attorney General, Health, Foreign Affairs

Non-Government Organisations: MOA, PSA, NCW, WIB, SODWC

Public Meetings

Representative of government departments, women's non-government organization and women's community-based organizations.

MOWA Management Team

Secretary of Women Affairs
Assistant Secretary: Programmes, Training and Community Development Services
Assistant Secretary: Research, Policy, Planning and Information

Individual Women

The Attorney General, Brenda Heather Latu
Maiava Visekota Peteru on various legislation and interpretation
Jo Lynch for editorial assistance
Luagalau Foisaga Shon for support services, background information/materials, final editing and overall supervision of report compilation
Mataina Teo for allowing access to the Pacific Reference section of the Public library
Noumea Simi for first consultancy to write Samoa's CEDAW Report
Lusia Sefo-Leau for second consultancy to review and update Samoa's CEDAW Report
Palanitina Toelupe for coordination of CEDAW Partnership and conduct of consultations on the CEDAW Report for second consultancy

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